

ARTICLE 7 STANDARDS

TABLE OF CONTENTS

DIVISION 1	BASIC APPROVAL STANDARDS FOR LAND USE CHANGE PERMITS	7-1
Section 7-101	Compliance with Applicable Zone District Regulations	7-1
Section 7-102	Compliance with <u>[Comprehensive Plan/Master Plan]</u> and Intergovernmental Agreements	7-1
Section 7-103	Compatibility.....	7-1
Section 7-104	Adequate, Reliable Safe Water Supply	7-1
Section 7-105	Adequate Water Distribution and Wastewater Systems	7-3
Section 7-106	Adequate Public Utilities.....	7-9
Section 7-107	Access and Roadways.....	7-9
Section 7-108	No Significant Risk from Natural Hazards	7-11
Section 7-109	No Significant Visual Impacts	7-11
 DIVISION 2	 NATURAL RESOURCE PROTECTION STANDARDS FOR LAND USE CHANGE PERMITS	 7-11
Section 7-201	Protection of Unique Natural Features.....	7-11
Section 7-202	Protection of Agricultural Lands	7-11
Section 7-203	Protection of Wildlife Habitat Areas	7-12
Section 7-204	Protection of Wetlands and Waterbodies	7-13
Section 7-205	Protection of Water Quality from Pollutants.....	7-16
Section 7-206	Erosion and Sedimentation.....	7-17
Section 7-207	Drainage	7-21
Section 7-208	Stormwater Run-Off	7-22
Section 7-209	Air Quality	7-24
Section 7-210	Areas Subject to Wildfire Hazards.....	7-24
Section 7-211	Areas Subject to Natural Hazards and Geologic Hazards.....	7-25
Section 7-212	Areas with Archeological, Paleontological or Historical Importance	7-31
Section 7-213	Reclamation and Noxious Weed Control	7-32

DIVISION 3	SITE PLANNING AND DEVELOPMENT STANDARDS	7-33
Section 7-301	Compatible Design	7-33
Section 7-302	Building Design	7-35
Section 7-303	Design and Scale of Development	7-35
Section 7-304	Off-Street Parking and Loading Standards.....	7-36
Section 7-305	Landscaping and Lighting Standards	7-45
Section 7-306	Snow Storage Standards.....	7-50
Section 7-307	Roadway and Access Standards	7-51
Section 7-308	Trail and Walkway Standards	7-54
Section 7-309	Utility Standards	7-55
Section 7-310	Impact Fees (RESERVED) <i>[Placeholder for County to incorporate regulatory provisions for impact fees].....</i>	<i>7-57</i>
 DIVISION 4	 SUBDIVISION STANDARDS AND DESIGN SPECIFICATIONS.....	 7-57
Section 7-401	Basic Subdivision Standards	7-57
Section 7-402	Subdivision Lots	7-57
Section 7-403	Subdivision Blocks.....	7-59
Section 7-404	Fire Protection.....	7-59
Section 7-405	Survey Monuments.....	7-60
Section 7-406	Standards for Public Sites and Open Space	7-61
 DIVISION 5	 EXEMPT SUBDIVISION	 7-67
Section 7-501	Basic Subdivision Exemption Criteria	7-67
Section 7-502	Additional Criteria for Boundary and Lot Line Revision or Correction	7-68
Section 7-503	Additional Criteria for Condominium and Townhouse Plats.....	7-69
Section 7-504	Additional Criteria for Correction Plats.....	7-69
Section 7-505	Additional Criteria for Large-Lot Land Division	7-69
 DIVISION 6	 CLUSTER SUBDIVISION EXEMPTION STANDARDS.....	 7-70
Section 7-601	Basic Standards for Cluster Subdivision Exemption	7-70
Section 7-602	Rural Land Use Cluster Development Standards	7-75

Section 7-603	Conservation Subdivision Development Standards.....	7-76
DIVISION 7	STANDARDS FOR OVERLAY DISTRICTS	7-76
Section 7-701	Additional Standards Within Floodplain Overlay.....	7-76
Section 7-702	Additional Standards Within View Protection Overlay	7-82
Section 7-703	Additional Standards Within Watershed Protection Overlay	7-82
Section 7-704	Additional Standards Within Airport/Heliport Influence Area Overlay	7-83
DIVISION 8	ADDITIONAL USE STANDARDS	7-86
Section 7-801	Additional Standards Applicable to Accessory Batch Plant	7-86
Section 7-802	Additional Standards Applicable to Accessory Dwelling Unit.....	7-86
Section 7-803	Additional Standards Applicable to Accessory Outdoor Storage.....	7-88
Section 7-804	Additional Standards Applicable to Airports and Heliports.....	7-88
Section 7-805	Additional Standards Applicable to Aircraft Landing Strip or Helistop, Privately Owned.....	7-89
Section 7-806	Additional Standards Applicable to Broadcasting Studio.....	7-89
Section 7-807	Additional Standards Applicable to Campground / Recreational Vehicle Park	7-90
Section 7-808	Additional Standards Applicable to Corrections Facility	7-98
Section 7-809	Additional Standards Applicable to Day Care Center.....	7-98
Section 7-810	Additional Standards Applicable to Group Home Facilities.....	7-98
Section 7-811	Additional Standards Applicable to Home Occupation.....	7-101
Section 7-812	Additional Standards Applicable to Kennel.....	7-102
Section 7-813	Additional Standards Applicable to Keeping of Nondomestic Animals.....	7-103
Section 7-814	Additional Standards Applicable to Manufactured Home	7-104

Section 7-815	Additional Standards Applicable to Manufactured Home Park.....	7-106
Section 7-816	Additional Standards Applicable to Mining and Extraction Uses	7-111
Section 7-817	Additional Standards Applicable to Park, Open Space or Greenbelt	7-112
Section 7-818	Additional Standards Applicable to Public Utilities	7-113
Section 7-819	Additional Standards Applicable to Recycling Collection Center.....	7-113
Section 7-820	Additional Standards Applicable to Riding Stable.....	7-114
Section 7-821	Additional Standards Applicable to Shooting Range	7-114
Section 7-822	Additional Standards Applicable to Storage Areas and Facilities	7-115
Section 7-823	Additional Standards Applicable to Telecommunications Facilities	7-116
DIVISION 9	REVIEW CRITERIA FOR APPEAL OF ADMINISTRATIVE INTERPRETATION, REZONING, REQUEST FOR VARIANCE, REQUEST TO ADD USES TO ZONE DISTRICT REGULATIONS, FINAL PLAT APPROVAL AND EXEMPTION PLAT APPROVAL.....	7-119
Section 7-901	Review Criteria for Appeal of Administrative Interpretation	7-119
Section 7-902	Review Criteria for Rezoning Request.....	7-120
Section 7-903	Review Criteria for Request for Variance	7-120
Section 7-904	Review Criteria for Request to Add Use(s) to Zone District Regulations	7-121
Section 7-905	Review Criteria for Final Plat Approval, Minor Subdivision	7-122
Section 7-906	Review Criteria for Final Plat Approval	7-122
Section 7-907	Review Criteria for Exemption Plat Approval.....	7-122

ARTICLE 7 STANDARDS

This Article sets forth the minimum standards for proposed land use changes. A waiver may be granted at the discretion of the [Administrator/Director] if the [Administrator/Director] believes that a standard is not applicable to the particular land use change. A written request for waiver from a specific standard should be included with the application package. These standards are in addition to any use restrictions and regulations in Article 3, *Zoning* that may apply.

DIVISION 1 BASIC APPROVAL STANDARDS FOR LAND USE CHANGE PERMITS

Unless otherwise specified, the following standards are basic approval standards that shall apply to *all* proposed land use changes, including divisions of land, not otherwise exempted from the approval standards set forth in these Regulations.

Section 7-101 Compliance with Applicable Zone District Regulations.

The land use change complies with the applicable zone district use restrictions and regulations in Article 3, *Zoning*.

Section 7-102 Compliance with [Comprehensive Plan/Master Plan] and Intergovernmental Agreements. The land use change is consistent with applicable provisions of the [County Comprehensive Plan/Master Plan] and any intergovernmental agreements between the County and a municipality that applies to the area where the use will occur.

Section 7-103 Compatibility. The nature, scale, and intensity of the use or activity are compatible with adjacent land uses and will not result in an adverse impact to adjacent land.

Section 7-104 Adequate, Reliable Safe Water Supply. The land use shall be served by an adequate, reliable and legal physical water supply to serve the use, in compliance with safe drinking water standards.

A. Minimum Years Guaranteed Water Supply. Unless otherwise provided by these Regulations or applicable state regulations, a minimum of 300 years guaranteed water supply shall be available to serve the proposed land use.

B. Determination of Adequacy and Reliability of the Water Supply. In determining adequacy and reliability of the proposed water supply the following considerations shall apply.

1. **Peak Usage.** Peak demands projected to service the total development population.
2. **Adequacy of Water Source.** In addition to the requirements of the State Engineer and [*County Health Department*], the following criteria shall be used to evaluate the adequacy of the water source intended to serve the proposed land use.
 - a. **Average Daily Demand.** The average daily demand of the entire service area and the proposed land use shall be based upon 350 gallons per day per residential unit, or [75] gallons per day per capita, whichever is greater.
 - (1) **Manufactured Home Park.** The water source shall be capable of supplying a minimum of four hundred fifty (450) gallons per day per manufactured home.
 - (2) **Campground/RV Park.** The average daily demand for a campground/RV park shall be based upon fifty (50) gallons per space per day for all spaces lacking individual water connections, and one hundred (100) gallons per space per day for all spaces provided with individual water connections.
 - (3) **Commercial and Industrial.** The average daily demand for commercial and industrial uses shall be reviewed based on the anticipated demand of the proposed development.
 - b. **Adequate Water to Meet Required Landscaping.** Each lot shall have adequate water to maintain required landscaping.
 - c. **Irrigation Water.** The demand for irrigation water shall be based upon the type of vegetation to be maintained, soil characteristics, the historic yield of the property and available water rights.
3. **Fire Protection Requirements.** The water supply demand for fire protection shall be based upon recognized and customary engineering standards and requirements of the applicable fire protection district. Subdivision developments shall also comply with the provisions of Section 7-404, *Fire Protection*, of this Article.

C. Wells.

1. **Density Restrictions.** Individual on-site wells shall not be allowed for developments with densities greater than [5 dwelling units per acre].
2. **Adequacy of Water Source.** The well shall have adequate water quality, quantity and dependability for the proposed density.
 - a. The quality of water recovered from the well after the pump test shall meet public health standards for potability. Water samples from the well tests shall comply with the primary drinking water regulations for the State of Colorado issued by the CDPHE.

Section 7-105 Adequate Water Distribution and Wastewater Systems.

The land use change shall be served by water distribution and wastewater systems that are adequate to serve the proposed use and density.

A. Water Distribution System Standards.

1. **Central Water Distribution System Preferred.** Where water service through a public water system is not physically or economically feasible, a central well and distribution system is preferred over individual wells.
2. **Central Water Distribution System Required.** The following conditions require connection to a central water system.
 - a. **Proximity to Central System.** The property is located within 400' of a central water system, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.
 - b. **15 or More Dwelling Units.** Central water will be required for residential developments consisting of fifteen (15) or more dwelling units.
3. **Design.** The water distribution system shall be designed by a qualified professional engineer licensed by the State of Colorado

Section 7-105 Adequate Water Distribution and Wastewater Systems:
Water Distribution System Standards

and shall be approved by the State Engineer and the [*County Engineer*].

- a. **Sized for Initial and Future Demand.** The water distribution system shall be sized to meet both the initial and future demands of the proposed development. Oversizing for likely extensions may be required.
- b. **Sized for Maximum Day Demand.** The system shall be sized for maximum day demand plus fire or peak hour demand, whichever is greater.
 - (1) Unless otherwise approved by the [*County Engineer*], maximum day demand shall be 3.0 times average day demand, and maximum hour demand shall be 6.0 times average day demand.
 - (2) Minimum residual pressures shall be 40 psi under maximum hour demands; 20 psi if direct flow is used.
 - (3) The actual pressure in the supply system under the conditions specified shall be used in designing the distribution system. Assumed future supply pressures and points of connection for designing the system in all other cases shall be subject to the approval of the [*County Engineer*]. If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.
- c. **Water Lines.** Where dead ends are proposed for cul-de-sacs, there shall be a fire hydrant or blow-off valve at the end of the line. Otherwise, all lines shall be looped, with no dead ends included in the system.
- d. **Stem Design.** On-lot water supply stems shall be designed to minimize or eliminate infiltration.
- e. **Water Mains.** All water mains shall be a minimum diameter of six inches (6") except for short cul-de-sacs. Where the external supply or pressure is not adequate to meet requirements, additional pipe diameter, parallel or looping lines, or additional storage or pumping shall be provided to

Section 7-105 Adequate Water Distribution and Wastewater Systems:
Water Distribution System Standards

meet the requirements. Dead-end mains are to be provided with a suitable means for flushing.

- f. **Quality and Material Specifications.** Material specifications for all water distribution systems shall be approved by the [*County Engineer*]. Proposed specifications shall include the following.
- (1) The strength rating for distribution piping and fittings with fire flow demand shall have a minimum safety factor of four times the anticipated internal operating pressure.
 - (2) The distribution system shall be designed for a minimum service life of 50 years.
 - (3) The distribution system shall have sufficient cover to prevent freezing.

B. Wastewater System Standards.

1. **Central Wastewater System Preferred.** Every effort shall be made to secure a public wastewater system extension. Where connections to an existing public wastewater system are not physically or economically feasible, a central collection system and treatment plant is preferred.
2. **Central Wastewater System Required.** The following conditions require connection to a central wastewater system.
 - a. **Proximity to Central System.** The property is located within 400' of a central wastewater system, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.
 - b. **ISDS Not Suitable.** The property is not suitable for a septic system, or individual sewage disposal system (ISDS). Septic systems, or individual sewage disposal systems are not allowed on parcels less than [*one (1) acre*] in size.
 - c. **15 or more Dwelling Units.** A central wastewater system will be required for residential developments consisting of

Section 7-105 Adequate Water Distribution and Wastewater Systems:
Wastewater System Standards

fifteen (15) or more dwelling units.

3. **Design.** The wastewater system shall be designed by a qualified professional engineer licensed by the State of Colorado, and approved by the [*County Engineer*]. The system shall be designed in compliance with the standards established by CDPHE. Site location approval shall be obtained from the Colorado Water Quality Control Commission for systems over two thousand gallons per day.
 - a. The collection system shall not be designed for less capacity than the anticipated maximum daily sewage flow or treatment requirements. Where guidelines and standards are not available, the design intended for use shall be approved by the [*County Engineer*].
 - b. Collection systems shall be designed and sized to comply with the guidelines and requirements of the applicable service provider. Approval of the proposed system by the service provider shall be a condition of approval by the [*County Engineer*].
 - (1) Collection systems shall be sized to meet present and future demands of the proposed development. Oversizing for likely extensions may be required.
 - (2) The constructed systems shall not permit infiltration rates in excess of two hundred (200) gallons per inch of diameter per mile of pipe per day, unless otherwise specified by the service agency.
4. **Occupancy Restrictions.** Where connection to a central wastewater collection and treatment system is proposed and approved, but not available until installation or expansion of such facilities is completed, no uses shall occupy the lot until the collection and treatment system is available to service the proposed use.
5. **Repair and Maintenance.** Adequate provisions for repair and maintenance of the wastewater system shall be required.
6. **Public Systems.**

Section 7-105 Adequate Water Distribution and Wastewater Systems:
Wastewater System Standards

- a. For proposed developments within two thousand (2,000) feet of an existing sanitary sewer main or located in an area subject to intergovernmental agreements or within an Urban Growth Area Overlay, the Board may require the subdivider to make provisions for the extension of service, including escrow funds for the installation of sewer mains and house connections in addition to the installation of temporary individual on-site sanitary disposal systems.
 - b. Unless otherwise allowed by intergovernmental agreement with the adjoining municipality, individual septic systems will not be allowed for proposed land use located in an area subject to intergovernmental agreements or within an Urban Growth Area Overlay. If a public system is not available, a central on-site treatment plant and collection system in compliance with appropriate municipal standards, and accepted by [CDPHE/County Health Department] may be used.
- 7. **Private Systems.** A septic system, or individual sewage disposal system (ISDS), allowed under these Regulations shall comply with the [County Individual Sewage Disposal System Regulations].
 - a. The proposed use of septic tanks or other individual sewage treatment facilities shall not result in a danger to public health.
 - b. Where individual or central on-site treatment systems are proposed, lots shall be laid out to provide a suitable treatment area for each lot or grouping of lots in conformance with criteria established by [CDPHE/County Health Department].
 - c. Where leach fields are proposed, evaluation of suitable treatment area shall include soil suitability, well slopes, surface hydrology, and water table depth including anticipated variation with time.
 - (1) Percolation tests shall be sufficient to reasonably assure that each lot will have suitable treatment area.

Section 7-105 Adequate Water Distribution and Wastewater Systems:
Wastewater System Standards

- (2) Larger lots may be required to accommodate the capacity of the proposed treatment system.
- d. Each site in the development shall be capable of accommodating a septic system or accommodating an alternative engineered system in compliance with requirements of [*CDPHE/County Health Department*].
- 8. **Solid Wastes.** Where suitable public or private solid waste storage and collection systems are not available to serve the proposed development, individual unit or group storage containers and/or container sites and periodic collection of containers may be required. Volume generation rates to be used in determining the size, number and type of containers and frequency of pickup shall be subject to approval by [*CDPHE/County Health Department*].
- 9. **Minimum Lot Requirements for Private Systems.** Unless otherwise provided in these Regulations, the proposed system shall comply with the minimum lot requirements set forth in Table 7-105 9b, below.
 - a. The minimum lot area may be increased and the number of uses allowed under the applicable zoning district may be decreased if the [*County Health Department*] determines that the proposed use of septic tanks or other individual sewage treatment facilities could result in a danger to public health.
 - b. Private sewage disposal system minimum lot requirements shall be as follows:

Section 7-105 Adequate Water Distribution and Wastewater Systems:
Wastewater System Standards

TABLE 7-105 B 9b PRIVATE SEWAGE DISPOSAL SYSTEM MINIMUM LOT REQUIREMENTS			
METHOD OF DISPOSAL	LOT AREA		
	Less than 1 Acre	1-2 Acres	Over 2 Acres
Cesspool	Prohibited	Prohibited	Prohibited
Anaerobic Disposal on Lot ²	Prohibited ⁷	Allowed ⁴	Allowed
Aerobic Treatment on Lot ³	Prohibited ⁷	Allowed ⁴	Allowed
Treatment Off-Lot – Nondischarging ⁵	Allowed	Allowed	Allowed
Treatment Off-Lot – Discharging ⁶	Allowed	Allowed	Allowed
TABLE NOTES: 1. Cesspool prohibited by state law. 2. Septic tank and subsurface disposal or dispersal method shall comply with [<i>County Individual Sewage Disposal Systems Regulations</i>] and applicable state requirements. 3. Aeration plant and disposal or dispersal method shall comply with the [<i>County Individual Sewage Disposal Systems Regulations</i>] and applicable state requirements. 4. Domestic water shall be supplied from an approved central source. 5. Wastewater treatment works with subsurface disposal shall be approved by the state and by the [<i>County Engineer</i>]. 6. Wastewater treatment works discharging to ground surface or waters of the state shall be approved by the state and by the [<i>County Engineer</i>]. 7. Prohibited for new development; may be considered for legally allowed pre-existing single lot.			

Section 7-106 Adequate Public Utilities. Adequate public utilities shall be available to serve the land use change.

Section 7-107 Access and Roadways. The [*County Road and Bridge Standards*] are made a part of this Code by reference. All access and roadways shall be reviewed by the [*County Engineer*].

A. Compliance with County Road Standards. All new roads and access

shall be constructed in conformance with the [County Road and Bridge Standards], and any additional standards for roadway and access applicable to the specific land use and set forth in this Article 7.

1. For land use proposing division of land, multi-unit residential development, and commercial and industrial use, the standards for roadway design and arrangement are set forth in Section 7-307, *Standards for Design and Arrangement of Roadways and Access*.
2. Additional roadway and access standards for campgrounds/RV parks are set forth in Section 7-807, *Additional Standards Applicable to Campgrounds/RV Parks*.
3. Additional roadway and access standards specific to Manufactured Housing Parks are set forth in Section 7-815, *Additional Standards Applicable to Manufactured Home Park*.

B. Access to Public Right-of-Way. All lots and parcels shall have direct access to a public right-of-way.

C. Safe Access. Access to and from the use shall be safe and in conformance with access standards set forth in the [County Road and Bridge Standards]. Where the land use change causes warrant(s) for improvements to state or federal highways, the developer shall be responsible for paying for those improvements.

D. Adequate Capacity. Roads serving the proposed use shall have the capacity to accept the additional traffic generated by the use safely and efficiently. The use shall not cause traffic congestion or unsafe traffic conditions, and all impacts to the County and state roadway system shall be mitigated through roadway improvements or impact fees, or both. The regulatory provisions for impact fees are set forth in Section 7-310, *Impact Fees*.

E. Protection of Boundary Fences and Livestock.

1. **Location Relative to Boundary Fences.** Roads shall be located a sufficient distance back from the property boundaries so that normal maintenance of roads, including snow removal, will not damage boundary fences.
2. **Protection of Livestock.** Dust control shall be required, both during and after construction, to minimize adverse impacts to

Section 7-108 No Significant Risk from Natural Hazards

livestock and crops.

Section 7-108 No Significant Risk from Natural Hazards. The use is not subject to significant risk from natural hazards and will not exacerbate existing natural hazards.

A. Platting of Land Subject to Natural Hazards Prohibited or Restricted. Land subject to identified natural hazards such as falling rock, land slides, snow slides, mud flows, radiation, flooding or high water tables, shall not be platted for any use other than open space or an uninhabitable portion of a lot over [*two acres*] unless mitigation is proposed by a qualified professional engineer licensed by the State of Colorado, and approved by the County.

Section 7-109 No Significant Visual Impacts. The use shall preserve views and vistas, and the design of the use shall be compatible with the surrounding natural environment. Buildings should be sited to preserve views from arterial streets.

DIVISION 2 NATURAL RESOURCE PROTECTION STANDARDS FOR LAND USE CHANGE PERMITS.

Unless otherwise specified, the following Natural Resource Protection Standards shall apply to all land use changes.

Section 7-201 Protection of Unique Natural Features. The land shall be developed in a manner that preserves the natural terrain, drainage, unusual rock formations, lakes, rivers, streams, existing topsoil and vegetation, including tree masses and large individual trees.

Section 7-202 Protection of Agricultural Lands.

A. No Adverse Affect to Agricultural Operations. Land use changes on lands adjacent to or directly affecting agricultural operations shall not adversely affect existing agricultural operations. Proposed division and development of the land shall minimize the impacts of residential development on agricultural lands and agricultural operations, and maintain the opportunity for agricultural production on the most productive and viable parcels of land.

B. Domestic Animal Controls. Dogs and other domestic animals that are not being used to assist with the herding or the care of livestock shall not be allowed to interfere with livestock or the care of livestock on agricultural lands.

The County shall require protective covenants or deed restriction as necessary to control domestic animals.

C. Fences. Fences shall be constructed that separate the land use from adjoining agricultural lands or stock drives as required to protect agricultural lands. Fences shall be maintained and any breaks in fences shall be at properly maintained metal or wood gates or cattle guards.

D. Irrigation Ditches.

- 1. Maintenance.** Where irrigation ditches cross or adjoin the land proposed to be developed, the developer shall insure that the use of those ditches, including maintenance, can continue uninterrupted.
- 2. Rights-of-Way.** The land use change shall not interfere with the ditch rights-of-way.
- 3. Maintenance Easement.** A maintenance easement of at least twenty-five (25) feet from the edges of the ditch banks shall be preserved and indicated on any final plat for subdivision, or the final development plan for any non-subdivision use. When approved in notarized written form by the ditch owner(s), that distance may be decreased.

Section 7-203 Protection of Wildlife Habitat Areas. The applicant shall consult with the Colorado Division of Wildlife in determining how best to avoid or mitigate impacts to wildlife habitat areas. Methods may include one or more of the following.

A. Visual and Sound Buffers. Visual and sound buffers shall be created through effective use of topography, vegetation, and similar measures to screen structures and activity areas from habitat areas.

B. Locational Controls of Land Disturbance. Land disturbance shall be located so that wildlife is not forced to use new migration corridors, and is not exposed to significantly increased predation, interaction with vehicles, intense human activity, or more severe topography or climate.

C. Preservation of Native Vegetation.

- 1. Vegetation Utilized by Wildlife.** Proposed land use changes shall

be designed to preserve large areas of vegetation utilized by wildlife for food and cover, based upon recommendations by the Colorado Division of Wildlife.

2. **Removal and Replacement of Native Vegetation.** When native vegetation must be removed within habitat areas, it shall be replaced with native and/or desirable non-native vegetation capable of supporting post-disturbance land use.
 3. **Removal of Noxious Weeds.** Vegetation removed to control noxious weeds shall not be required to be replaced, unless the site requires revegetation to prevent other noxious weeds from becoming established.
 4. **Reclamation.** Vegetation required pursuant to Section 7-213, *Reclamation and Noxious Weed Control* shall be established and growing within two growing seasons (730 days) of [*the date of project completion*].
- D. Habitat Compensation.** Where disturbance of wildlife habitat cannot be avoided, the developer may be required to acquire and permanently protect existing habitat to compensate for habitat that is lost to development.

Section 7-204 Protection of Wetlands and Waterbodies.

A. Inner Buffer Zone Setback.

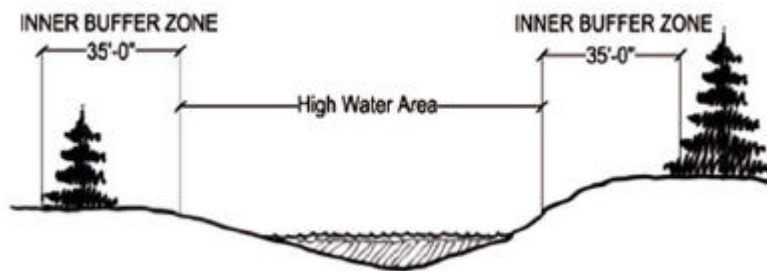


Figure 7-204 A, Inner Buffer Zone Setback

1. **Minimum Setback.** The Inner Buffer Zone Setback consists of a minimum setback of thirty-five (35) feet measured horizontally from the typical and ordinary high water mark in average hydrologic years on each side of a waterbody or field delineated wetland is

required.

2. **Structures and Activity Allowed in the Inner Buffer Zone Setback.** Irrigation and water diversion facilities, flood control structures, culverts, bridges and other reasonable and necessary structures requiring some disturbance within this setback may be allowed.
3. **Structures and Activity Prohibited in the Inner Buffer Zone Setback.** Unless otherwise allowed by these Regulations, the following activities and development shall be prohibited in the Inner Buffer Zone Setback:
 - a. Placement of material, including soil, sand, gravel, mineral, aggregate, organic material, or snow plowed from roadways and parking areas.
 - b. Construction, installation, or placement of any obstruction, building or structure not allowed under Section 7-204 A2, *Structures and Activities Allowed in the Inner Buffer Zone Setback*.
 - c. Removal, excavation, or dredging of solid material, including soil, sand, gravel, mineral, aggregate, or organic material.
 - d. Disturbance or removal of any existing live vegetation or conducting any activity which will cause any loss of vegetation, unless it involves the approved removal of noxious weeds, non-native species, dead or diseased trees.
 - e. Lowering of the water level or water table by any means, including draining, ditching, trenching, impounding, or pumping.
 - f. Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means including grading and alteration of existing topography, except for the purpose of restoring existing topography or to improve drainage, flow patterns, and flood control.

B. Outer Buffer Zone.

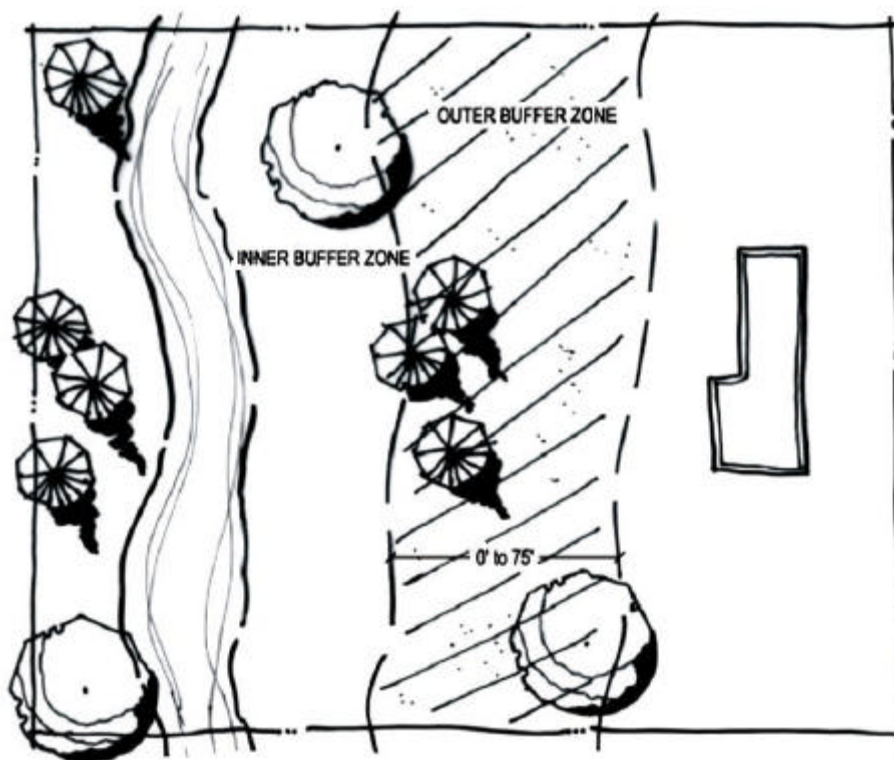


Figure 7-204 B, Outer Buffer Zone

- 1. Width of Outer Buffer Zone.** The width of the Outer Buffer Zone may vary across the property as necessary to protect the integrity of the waterbody, watershed, or other site-specific features outside the Inner Buffer Zone Setback. For a specific site, the width of the Outer Buffer zone may range from zero feet (0') to seventy-five feet (75') beyond the outer edge of the Inner Buffer Zone Setback (i.e. up to 100' beyond the high water mark of the waterbody during average hydrologic years or wetland boundary).
- 2. Structures and Activity Prohibited in the Outer Buffer Zone.** Disturbance of existing soil material and live vegetation and development in areas immediately outside the Inner Buffer Zone shall be limited and appropriate mitigation required where necessary to protect the integrity of the waterbody or special site-specific features identified in Section 7-204 B3, below.
- 3. Site Features that Trigger Application of Outer Buffer Zone.** Site specific features that may trigger the need for mitigation through application of an outer buffer zone include:

- a. Steep slopes draining into the waterbody or wetland.
- b. Highly erodable soils.
- c. Unstable streambank conditions.
- d. Trees, shrubs, or other natural features that provide for streambank stability, habitat enhancement for aquatic environments, riparian area protection, or to maintain pre-development riparian plant or animal communities.
- e. Habitat for plant, animal, or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service.
- f. Habitat for plant, animal, or other wildlife species listed by the State of Colorado as rare, threatened, or endangered, species of special concern, or species of undetermined status.
- g. The proposed use of the property presents a special hazard to water quality or wetlands (e.g., storage or handling of hazardous or toxic materials).
- h. The area is within the 100-year flood plain.
- i. The area is needed to prevent or minimize flood damage by preserving storm and flood water storage capacity.
- j. The area is needed to protect fish spawning, breeding, nursery and feeding grounds.
- k. The area is needed to preserve areas of special recreational, historical, archeological, scenic, or scientific interest.

Section 7-205 Protection of Water Quality from Pollutants. The following regulations shall apply to all non-residential land use changes.

A. Compliance with State and Federal Regulations. At a minimum, all hazardous materials shall be stored and used in compliance with applicable state and federal hazardous materials regulations.

B. Storage Near Waterbodies Restricted.

1. The storage of hazardous materials within one hundred (100) horizontal feet of any waterbody is prohibited except when no practical alternative exists. Suitable site specific best management practices shall be utilized to minimize potential adverse water quality impacts.
2. Sand and salt for road traction shall not be stored within one hundred (100) horizontal feet of any waterbody unless there is no practicable alternative, in which case suitable site-specific best management practices shall be utilized.

C. Spill Prevention. Measures shall be implemented to prevent spilled fuels, lubricants or other hazardous materials from entering a waterbody during construction or operation of equipment and/or facility. If a spill occurs it shall be cleaned up immediately and disposed of properly.

D. Machine Maintenance. Maintenance of vehicles or mobile machinery is prohibited within one hundred (100) feet of any waterbody. Emergency maintenance may be conducted until the vehicle or machinery can be moved.

E. Fuel Storage Areas. Containment measures shall be provided for all fuel storage areas to prevent release into any waterbody. Inventory management or leak detection systems may be required.

F. Waste Storage. Areas used for the collection and temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site. Collection sites shall be located away from the storm drainage system. Other best management practices such as covering the waste storage area, fencing the site, and constructing a perimeter dike to exclude runoff may also be required.

Section 7-206 Erosion and Sedimentation. The following requirements shall apply to land disturbances within twenty-five (25) feet of a waterbody and to all land development disturbing more than one-half (1/2) acre, with the exception of agricultural grading activities.

A. Minimize Erosion On Site.

1. **Phase Construction.** The staging and timing of earth disturbing construction activities such as clearing, grading, road construction,

and utilities installation shall be designed to minimize soil exposure.

2. **Install Erosion and Sediment Control Measures.** Erosion and sediment control measures shall be installed before site grading or other construction.
3. **Soil Stabilization.** Disturbed areas and soil stockpiles shall be stabilized or protected to effectively control erosion. These areas should be surface roughened, mulched, or seeded and mulched, or otherwise protected from erosive forces if they will remain exposed and inactive for periods longer than fourteen (14) days. This requirement also applies if soil is expected to be exposed during winter, to minimize erosion from occurring during spring snow melt. Disturbed areas shall be mulched, or seeded and mulched, within seven (7) days after final grade is reached, weather permitting.
 - a. On slopes steeper than fifteen percent (15%), or within one hundred (100) feet of any waterbody, exposed soils shall be stabilized using appropriate techniques such as hydromulching, erosion control blankets, bonded fiber matrices or other equally protective measures. Grass or straw mulch shall be crimped, tracked or tacked in place to promote surface anchoring.
4. **Temporary and Permanent Revegetation.** Disturbed areas that will not be built upon for one (1) year shall incorporate a temporary cover crop to promote soil stability. Areas exposed for two (2) or more years must be revegetated with a perennial, native grass mix (or other grass mixtures as recommended by the [local Natural Resources Conservation Service office]). Within two (2) full growing seasons of project completion, vegetative site coverage shall have a perennial herbaceous component equal to or greater than seventy percent (70%) of the adjacent undisturbed areas.
5. **Cut and Fill Slopes.** Where cut and fill cannot be avoided, slopes shall be designed for long term stability.
 - a. Permanent vegetation shall be used as the priority approach to stabilization of cut and fill areas where slopes are less than or equal to 3:1.
 - b. On steeper cut and fill slopes, stabilization shall be attained

by utilizing a combination of retaining walls, rock walls, up-slope runoff diversions, terracing, slope drains, soil nailing, mulch binders, erosion control blankets, vegetation or other measures appropriate for the specific situation.

6. **Protection of Irrigation Ditches, Swales, Receiving Channels and Streams.** Irrigation ditches, swales, receiving channels and streams shall be protected from accelerated erosion until the conveyance section has established vegetation and is stable under flows for which the feature was designed. The minimum recurrence frequency storm during active construction for channel stability design is the [2-year] event for the entire drainage area served by that flow conveyance feature.
7. **Protection of Culvert Outlets.** Culvert outlets shall be protected from erosive flows by velocity reducers such as gravel dikes, level spreaders or similar measures.

B. Minimize Sediment Leaving the Site.

1. **Manage Stormwater Runoff.** Stormwater runoff shall be managed to minimize erosion and sediment transport off-site. Concentrated flows shall be diverted away from disturbed slopes and the length and steepness of disturbed slopes or use of slope drains shall be minimized. Standards specific to management of stormwater runoff are set forth in Section 7-207, *Stormwater Runoff*.
2. **Protection of Access Routes.** Access routes shall be protected to prevent sediment or mud from leaving the site by either immediate placement of street base or construction of mud pads. Mud pads shall be at least fifty (50) feet in length and comprised of angular rock and/or a wheel washing facility.
3. **Protection of Adjacent Properties.** Adjacent properties shall be protected from sediment laden runoff by using sediment fences, and sediment or silt traps or other appropriate control options.
4. **Protection of Storm Sewer Inlets.** Storm sewer inlets shall be protected from flows of sediment-laden water. This may be accomplished by straw bales, supported silt fence structures, dumped rock or other barriers.
5. **Diversion of Off-Site Runoff.** Off-site runoff shall be diverted

around the construction site when practical.

C. Incorporate Drainageways. Significant drainageways shall be incorporated in site development as open space, wildlife areas, and trails. Whenever possible, drainageways should be left in a natural state.

D. Detention and Treatment.

- 1. Construction of Sedimentation Basins.** When the contributing drainage area, including off-site area (unless bypassed), is greater than five (5) acres, one or more sedimentation basin(s) shall be constructed to provide a total of 1800 cubic feet of basin volume for every acre contributing runoff into the basin. The outlet of the sediment basin should be designed to empty the storage volume in no less than twelve (12) hours. The basin's length shall be no less than twice the basin's width, otherwise a baffle may be installed to minimize short circuiting. If the discharge from the basin is passed through a filtration device (i.e. a vegetated field, forested area, or a constructed wetland) the basin volume requirements may be reduced.
- 2. No Sedimentation Basin Required.** Where the contributing drainage area, including off-site area (unless bypassed), is less than five (5) acres, a specific engineered design for sediment trapping facilities is not necessary and silt traps may be used to detain and treat runoff.
- 3. Removal of Sediment Basins.** Sedimentation basins shall be removed after successful revegetation of the site. Embankments to be left as permanent facilities shall have a capacity to safely pass the 100-year flood and meet any relevant dam and diversion requirements of the Colorado State Engineer's Office (also see requirements in Section 7-208, *Stormwater Runoff*).

E. Construction De-Watering

- 1.** Construction de-watering activities will conform with the CDPHE construction de-watering permit requirements including total suspended solids with a thirty (30) day average concentration of no more than 30 mg/l, a seven (7) day average of no more than 45 mg/l, and a daily maximum concentration of 60 mg/l.
- 2.** Discharges from construction de-watering operations shall be done

in a manner which minimizes erosion and utilizes best management practices such as velocity reducers, sediment basins, straw bales or other measures.

F. Inspection and Maintenance of Erosion and Sediment Control Devices.

- 1. Inspection.** The applicant shall be responsible for inspection and repair of all erosion and sediment control devices after any precipitation that creates runoff. At a minimum, erosion and sediment control devices shall be inspected every fourteen (14) days by a qualified professional engineer. An inspection log shall be kept on-site for review by [*County inspectors*] until the project is complete and submitted to the County upon request.
- 2. Maintenance.** Erosion and sediment control devices shall be maintained in a manner to support their effectiveness. Accumulated sediment shall be removed periodically from sediment basins and traps; straw bale and silt fence barriers shall be checked for undermining and bypass, and repaired or expanded as needed; and mulched soils shall be re-mulched where mulch has been lost or damaged.

Section 7-207 Drainage.

A. Site Design to Facilitate Positive Drainage. Lots shall be laid out to provide positive drainage away from all buildings.

B. Coordination with Area Storm Drainage Pattern. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

- 1. Minimum Slope for Drainage Ditches.** Drainage ditches shall have a minimum slope of no less than 0.75%. Energy dissipaters or retention ponds shall be installed in drainage ditches where flows are in excess of 5 feet/second. Ditches adjacent to roads shall have a maximum slope of 3:1 on the inside and outside edges, except where there is a cut slope on the outside edge where the edge of the ditch shall be matched to the cut slope.
- 2. Subdrains Required.** Subdrains shall be required for all foundations where possible and shall divert away from building foundations and daylight to proper drainage channels.

3. **Avoid Drainage to Adjacent Lots.** Drainage shall be designed to avoid concentration of drainage from any lot to an adjacent lot.

Section 7-208 Stormwater Run-Off. These standards shall apply to any commercial or industrial development, new subdivisions, new development within 100 feet of a waterbody, and to any other development creating 10,000 square feet or more of impervious surface area.

A. Avoid Direct Discharge to Streams or Other Waterbodies. Stormwater runoff from project areas likely to contain pollutants shall be managed in a manner that provides for at least one of the following, and is sufficient to prevent water quality degradation, disturbance to adjoining property and degradation of public roads.

1. **Runoff to Vegetated Areas.** Direct runoff to stable, vegetated receiving areas capable of maintaining sheetflow for infiltration. Vegetated receiving areas should be resistant to erosion from a design storm of 0.5 inches in 24 hours.
2. **On-Site Treatment.** On-site treatment of stormwater by use of best management practices designed to detain (see Section 7-208 C, *Detain and Treat Run-off* below) or infiltrate the runoff and approved as part of the Stormwater Quality Control Plan prior to discharge to any natural waterbody.
3. **Discharge to Stormwater Conveyance Structure.** Discharge to a stormwater conveyance structure, designed to accommodate the projected additional flows from the proposed project, with treatment by a regional or other stormwater treatment facility prior to discharge into any natural waterbody.

B. Minimize Directly-Connected Impervious Areas. The site design shall minimize the extent of directly-connected impervious area by including the following requirements.

1. **Drainage Through Vegetated Pervious Buffer Strips.** Runoff from developed impervious surfaces (rooftops, parking lots, sidewalks, etc.) shall drain over stable, vegetated pervious areas before reaching stormwater conveyance systems or discharging to water bodies.
2. **Techniques Used in Conjunction with Buffer Strip.** The

requirement that all impervious areas drain to vegetated pervious buffer strips (paragraph B1, above) may be reduced if the outflow from the vegetated pervious buffer strip is directed to other stormwater treatment methods. Examples of other potential techniques to be used in conjunction with vegetated pervious buffer strips are: infiltration devices, grass depressions, constructed wetlands, sand filters, dry ponds, etc.

3. **Grass Buffer Strip Slope Restrictions.** When impervious surfaces drain onto grass buffer strips (or the equivalent) the maximum slope of the grass buffer strip shall be ten percent (10%) and the gradient shall be uniform to insure evenly distributed sheet flows. Check dams may be necessary to maintain ten percent (10%) slopes.

C. Detain and Treat Runoff. Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Design criteria for detention facilities include:

1. Detention facilities shall ensure the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the 2-year and 25-year return frequency, 24-hour duration storm. In determining runoff rates, the entire area contributing runoff shall be considered, including any off-site contribution. Off-site contributions shall be determined using the full development potential of the area draining into the detention facility, based upon the existing zoning district regulations.
2. To minimize the threat of major property damage or loss of life all permanent stormwater detention facilities must demonstrate that there is a safe passage of the 100-year storm event without causing property damage.
3. Channels downstream from the stormwater detention pond discharge shall be protected from increased channel scour, bank instability, and erosion and sedimentation from the 25-year return frequency, 24-hour design storm.
4. Removal of pollutants shall be accomplished by sizing dry detention basins to incorporate a 40-hour emptying time for a design precipitation event of 0.5 inches in twenty-four (24) hours, with no

more than fifty percent (50%) of the stored water being released in twelve (12) hours. If retention ponds ("wet ponds") are used, a twenty-four (24) hour emptying time is required. For drainage from parking lots, vehicle maintenance facilities, or other areas with extensive vehicular use, a sand and oil grease trap or similar measures also may be required. To promote pollutant removal, detention basins length-to-width ratio should be not less than 2, with a ratio of 4 recommended where site constraints allow. A sedimentation "forebay" is recommended to promote long-term functioning of the structure. Access to both the forebay and pond by maintenance equipment is required.

5. The exposed ends of culverts shall be protected by concrete encasement or shall be extended a minimum of three feet beyond the driving surface on each side. Culverts, drainage pipes and bridges shall be designed and constructed in compliance with AASHO recommendations for a water live load.
6. A written inspection and maintenance agreement shall be required to ensure regular inspection and maintenance of on-site detention facilities.
7. All permanent stormwater detention basins shall be designed by a qualified professional engineer licensed in the State of Colorado.

Section 7-209 Air Quality. The land use change shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.

Section 7-210 Areas Subject to Wildfire Hazards. The following standards shall apply to land use changes in areas subject to wildfire hazards.

A. Location Restrictions. Development associated with the land use change shall not be located in any area designated as a severe wildfire hazard area with slopes greater than thirty percent (30%) or within a fire chimney, as identified by the Colorado State Forest Service.

B. Development Does Not Increase Potential Wildfire Hazard. The proposed land use change shall be developed in a manner that does not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel composition.

C. Fuel Modifications. If the proposed land use change includes fire hazard

areas that can be reduced to lower hazard ratings through thinning, clumping, reduction of “ladder” fuels (vegetation that may allow a fire to burn from ground level to lower tree branches), removal of hanging limbs near chimneys, creation of defensible space around structures, or other such fuel modifications, then such fuel modifications shall be required.

D. Roof Materials and Design. Roof materials shall be made of non-combustible “Class A” materials and roofs shall employ a design that is pitched.

E. Safety Areas in Residential Development. Areas designated by the applicable fire protection district as temporary public evacuation areas during fires shall be indicated by permanent signs along roads in the development area. These areas shall also be designated on the final plat, or on the final development plan for land use change subject to Major Impact review.

F. Cul-de-Sac. Cul-de-sacs shall not cross major draws, canyons, or gullies conducive to fire spread or terminate in such draws, canyons or gullies. Cul-de-sacs shall have a turn-around pad at the end with a minimum right-of-way of forty-five (45) feet and an all-weather gravel or paved surface of a minimum of forty-five (45) feet. Dead end roads without turn-around areas shall be prohibited.

G. Road Grade. All dedicated roads in wildfire hazard areas shall be a maximum grade of eight percent (8%); all roads having centerline curves greater than forty-five (45) degrees in arc shall have a maximum of six percent (6%) grade along such curves. On straight line portions, a grade of ten percent (10%) shall be allowed for a maximum of two hundred (200) feet in horizontal distance.

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards.

A. Basic Requirements for Land Use in Areas Subject to Natural Hazards and Geologic Hazards.

- 1. Land Use Does Not Exacerbate the Effects of Hazardous Site Conditions.** Land use allowed in areas subject to Natural Hazards and Geologic Hazards shall be developed in a manner designed to eliminate or mitigate the potential effects of hazardous site conditions.
- 2. Utilities.** Above-ground utilities located in hazard areas shall be protected by barriers or diversion techniques approved by a qualified professional engineer licensed by the State of Colorado.

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards
Development in Avalanche Hazard Areas

The determination to locate utility facilities above ground shall be based upon the recommendation and requirements of the utility service provider and approved by the County.

B. Development in Avalanche Hazard Areas.

- 1. Minimum Requirements for Development in Avalanche Hazard Areas.** Development allowed to occur in avalanche hazard areas shall comply with the following minimum requirements and standards, as certified by a qualified professional engineer licensed by the State of Colorado, or qualified professional geologist, and approved by the County.
 - a. Certification of Construction.** Building construction shall be certified to withstand avalanche impact and static loads and otherwise protected by external avalanche-defense structures that have been similarly certified.
 - b. Driveways and Roads.** Driveways and subdivision roads shall avoid areas where avalanches have return periods of fewer than ten (10) years.
 - c. Vegetation Removal Prohibited.** Clear-cutting, or other large-scale removal of vegetation in avalanche path starting zones or in other locations that can increase the potential avalanche hazard on the property is prohibited.
 - d. Extractive Operations Prohibited.** Extractive operations in avalanche hazard areas are prohibited when snow is on the ground unless a program of avalanche control and defense measures has been approved by the County to protect the operation.
- 2. Conditions for Development in Avalanche Hazard Areas Affected by Avalanches with Return Periods of More than 30 Years But Less than 300 Years.** A land use change may be allowed in an area affected by avalanches with return periods of more than thirty (30) years but fewer than three hundred (300) years and by avalanches capable of producing impact pressures on flat surfaces normal to the flow direction of less than 600 lbs./ft. if the proposal satisfies all of the following criteria.

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards
Development in Avalanche Hazard Areas

- a. **Site Constraints.** The proposed land use change cannot avoid the hazard area; and
 - b. **Mitigation of Hazards Through Site Design and Engineering.** Site planning and engineering techniques will substantially mitigate any potential hazards to public health, safety and welfare; and
 - c. **Activity Will Not Cause or Intensify Adverse Natural Conditions.** The proposed land use change will not cause or intensify adverse natural conditions in a hazard area.
3. **Avalanche Hazard Areas in Which Development is Prohibited.** Unless otherwise allowed by these Regulations, land use changes shall be prohibited in an area affected by avalanches with return periods of thirty (30) years or less and/or by avalanches producing impact pressures on flat surfaces normal to the flow direction of 600 lbs./ft. or more.

C. Development in Landslide Hazard Areas. Development may be allowed to occur in landslide hazard areas if the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed by the State of Colorado, or qualified professional geologist, and approved by the County.

1. **Construction Practices.** Development shall comply with recommended construction practices to artificially stabilize, support, buttress or retain the potential slide area and to control surface and subsurface drainage that affects the slide area.
2. **Prohibited Activities.** The following development activities shall be prohibited in landslide hazard areas:
 - a. **Adding Water or Weight.** Activities that add water or weight to the top of the slope, or along the length of the slope, or otherwise decrease the stability of the hazard area. Measures and structural improvements to permanently control surface and subsurface drainage from the development shall be required.
 - b. **Removing Support Material.** Activities that remove vegetation or other natural support material that contributes

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards
Development in Landslide Hazard Areas

to stability of the land slide area.

- c. **Increasing Slope.** Activities that increase the steepness of a potentially unstable slope.
- d. **Removing Toe of Landslide.** Activities that remove the toe of the landslide, unless adequate mechanical support is provided.

D. Development in Rockfall Hazard Areas. Development may be allowed to occur in rockfall hazard areas if the applicant demonstrates that the development cannot avoid such areas and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed by the State of Colorado, or a qualified professional geologist, and approved by the County.

- 1. **Construction Practices.** Development shall comply with recommended construction practices to minimize the degree of hazard. Construction practices may include:
 - a. **Stabilization.** Stabilizing rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing, or installation of retaining walls.
 - b. **Catching, Slowing or Diverting Rocks.** Slowing or diverting moving rocks with rock fences, screening, channeling, damming, or constructing concrete barriers or covered galleries.
 - c. **Barriers.** Installation of structural barriers around vulnerable structures to prevent rock impact.
- 2. **Prohibited Activities.** The following development activities shall be prohibited in rockfall hazard areas:
 - a. **Adding Water or Weight.** Activities that add water or weight to, or otherwise decrease the stability of, cliffs or overhanging strata.
 - b. **Removing Support Material.** Activities that will reduce stability, including activities that remove vegetation or other natural support material or that require excavation or cause

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards
Development in Alluvial Fan Hazard Areas

erosion that will remove underlying support to a rockfall hazard area.

E. Development in Alluvial Fan Hazard Area. Development may be allowed to occur in an alluvial fan if the applicant demonstrates that the development cannot avoid such areas, and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed by the State of Colorado, or qualified professional geologist, and approved by the County:

1. **Protective Measures.** Development shall be protected using structures or other measures on the uphill side that channel, dam, or divert the potential mud or debris flow.
2. **Disturbance Above Alluvial Fan Prohibited.** Disturbance shall be prohibited in the drainage basin above an alluvial fan, unless an evaluation of the effect on runoff and stability of the fan and on the ground water recharge area shows that disturbance is not substantial or can be successfully mitigated.

F. Slope Development. Development on slopes twenty percent (20%) or greater may be allowed to occur if the applicant demonstrates development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed by the State of Colorado, or qualified professional geologist, and approved by the County:

1. **Development on Slopes 20% or Greater.** Building lots with twenty percent (20%) or greater slope shall require a special engineering study to establish the feasibility of development proposed for the site. The study shall address feasibility of construction required for the use, and describe the mitigation measures to be used to overcome excessive slope problems.
2. **Development on Slopes Greater Than 30%.** Development may be allowed to occur on slopes greater than thirty percent (30%) if the applicant demonstrates that the development cannot avoid such areas and the development complies with the following minimum requirements and standards.
 - a. **Cutting and Filling.** Cutting, filling, and other grading activities shall be confined to the minimum area necessary for construction.

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards
Slope Development

- b. Design Shall Fit Site.** Development shall be located and designed to follow natural grade, rather than adjusting the site to fit the structure. Roads and driveways built to serve the development shall follow the contours of the natural terrain and, if feasible, shall be located behind existing landforms.
- 3. Development on Unstable or Potentially Unstable Slopes.** If a site is identified as having unstable or potentially unstable slopes, then development may be allowed if the applicant demonstrates that the development cannot avoid such areas and the development complies with certified geotechnical design and construction stabilization and maintenance measures.
 - a. Cutting Into a Slope.** Cutting into the slope is prohibited without provision of adequate mechanical support.
 - b. Adding Water or Weight.** Adding water or weight to the top of the slope, or along the length of the slope is prohibited.
 - c. Removing Vegetation.** Vegetation shall not be removed from the slope unless it will be replaced on a timely basis acceptable to the County.
 - d. Over-Steeping.** Activities that over-steep the existing grade of an unstable slope are prohibited.
- 4. Development on Talus Slopes.** Development may be allowed to occur on a talus slope if the applicant demonstrates that the development cannot avoid such areas, and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed by the State of Colorado, or a qualified professional geologist, and approved by the County.
 - a. Withstand Down Slope Movement.** The development shall be designed to withstand down slope movement.
 - b. Buried Foundation and Utilities.** The design shall include buried foundations and utilities below the active talus slope surface.

Section 7-211 Areas Subject to Natural Hazards and Geologic Hazards
Slope Development

- c. **Minimize Site Disturbance.** Site disturbance shall be minimized, to avoid inducing slope instability.
- d. **Removing Toe of Slope.** The toe of a talus slope shall not be removed, unless adequate mechanical support is provided.

G. Development on Mancos Shale. Development in areas with corrosive or expansive soils and rock shall be designed based upon an evaluation of the development's effect on slope stability and shrink-swell characteristics. Development may be allowed if the applicant demonstrates that the development cannot avoid such areas and the development complies with design, construction stabilization, and maintenance measures certified by a qualified professional engineer licensed by the State of Colorado, or qualified professional geologist, and approved by the County.

- 1. **Drainage Away From Foundations.** Surface drainage shall be directed away from foundations.
- 2. **Concentrate Runoff into Natural Drainages.** Runoff from impervious surfaces shall be directed into natural drainages or otherwise on-site in a manner that does not create or increase adverse impacts to the development site or to adjacent or other property.

H. Development in Mudflow Areas. Development may be allowed in a mudflow area if the applicant demonstrates that the development cannot avoid such areas, and the development complies with recommended mitigating design, construction stabilization, and maintenance measures as certified by a qualified professional engineer licensed by the State of Colorado, or qualified professional geologist, and approval by the County.

I. Development Over Faults. Development may be allowed over faults if the applicant demonstrates that such areas cannot be avoided and the development complies with mitigation measures based on geotechnical analysis and recommendations, as certified by a qualified professional engineer licensed by the State of Colorado, or by a qualified professional geologist, and approved by the County.

Section 7-212 Areas with Archeological, Paleontological or Historical Importance. The proposed land use change shall be designed to avoid or

mitigate negative impacts upon archeological, paleontological and historical resources identified or reasonably expected to exist in areas to be affected by the proposed development.

Section 7-213 Reclamation and Noxious Weed Control.

A. Applicability. These standards shall apply to any activity that requires review and permit approval by the County, and to the following activities.

- 1. Installation of ISDS.** Installation of a new or replacement individual sewage disposal system (ISDS) that is required to obtain an *Individual Sewage Disposal System Permit*.
- 2. Driveway Construction.** Any driveway construction that requires a *County Access Permit* or a Colorado Department of Transportation Access Permit.
- 3. Cuts and Fills Greater Than 8 Feet.** Cuts and fills, to be used as part of a construction project, that measure eight (8) feet or greater from the finished grade.

B. Reclamation of Disturbed Areas. Areas disturbed during development shall be restored as natural-appearing landforms that blend in with adjacent undisturbed slopes.

- 1. Contouring and Revegetation.** Abrupt angular transitions and linear placement on visible slopes shall be avoided. Areas disturbed by grading shall be contoured so they can be revegetated, and shall be planted and shall have vegetation established and growing within two (2) growing seasons, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post-disturbance land use.
 - a. Revegetation of Disturbed Areas.** To the maximum extent feasible, disturbed areas shall be revegetated to a desired plant community with composition of weed-free species and plant cover typical to that site.
- 2. Application of Top Soil.** Top soil shall be stockpiled and placed on disturbed areas.
- 3. Retaining Walls.** Retaining walls made of wood, stone, vegetation

or other materials that blend with the natural landscape shall be used to reduce the steepness of cut slopes and to provide planting pockets conducive to revegetation.

4. **Slash Around Homes.** To avoid insects, diseases and wildfire hazards all vegetative residue, slushiness, branches, limbs, stumps, roots, or other such flammable lot-clearing debris shall be removed from all areas of the lot in which such materials are generated or deposited, prior to final building inspection approval.
5. **Removal of Debris.** Within six months of substantial completion of soil disturbance all brush, stumps and other debris shall be removed from the site.

DIVISION 3 SITE PLANNING AND DEVELOPMENT STANDARDS

Unless otherwise specified, these standards shall apply to land use changes proposing two-unit and multi-unit residential development, commercial and industrial use, and divisions of land not otherwise exempted from the approval standards set forth in these Regulations. These standards shall apply in addition to the basic standards set forth in Divisions 1 and 2 of this Article 7.

Section 7-301 Compatible Design. The design of development associated with the land use change shall be compatible with and enhance the existing character of adjacent uses.

A. Site Organization. The site shall be organized in a way that considers the relationship to streets and lots.

B. Operational Characteristics. The operations of activities on the site shall be managed to avoid nuisances to adjacent uses relating to hours of operations, parking, service delivery, and location of service areas and docks.

1. **Objectionable Emissions.** Dust, odors, gas, fumes, and glare shall not be emitted at levels that are objectionable to adjacent property.
2. **Noise.** Noise as measured at the property boundary shall not exceed state noise standards and shall be buffered by landscaping or other screening devices.

3. **Hours of Operation.** Hours of operation shall be established to minimize impacts to adjacent land uses.
 4. **Roadway System Impacts.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees or both.
- C. Lighting.** Exterior lighting shall be designed in compliance with the requirements of Section 7-305 B, *Lighting Standards*.
- D. Buffering.** Landscape buffering shall be installed to mitigate visual, noise or similar impacts to adjacent property whenever adjacent uses are in a different zoning district.

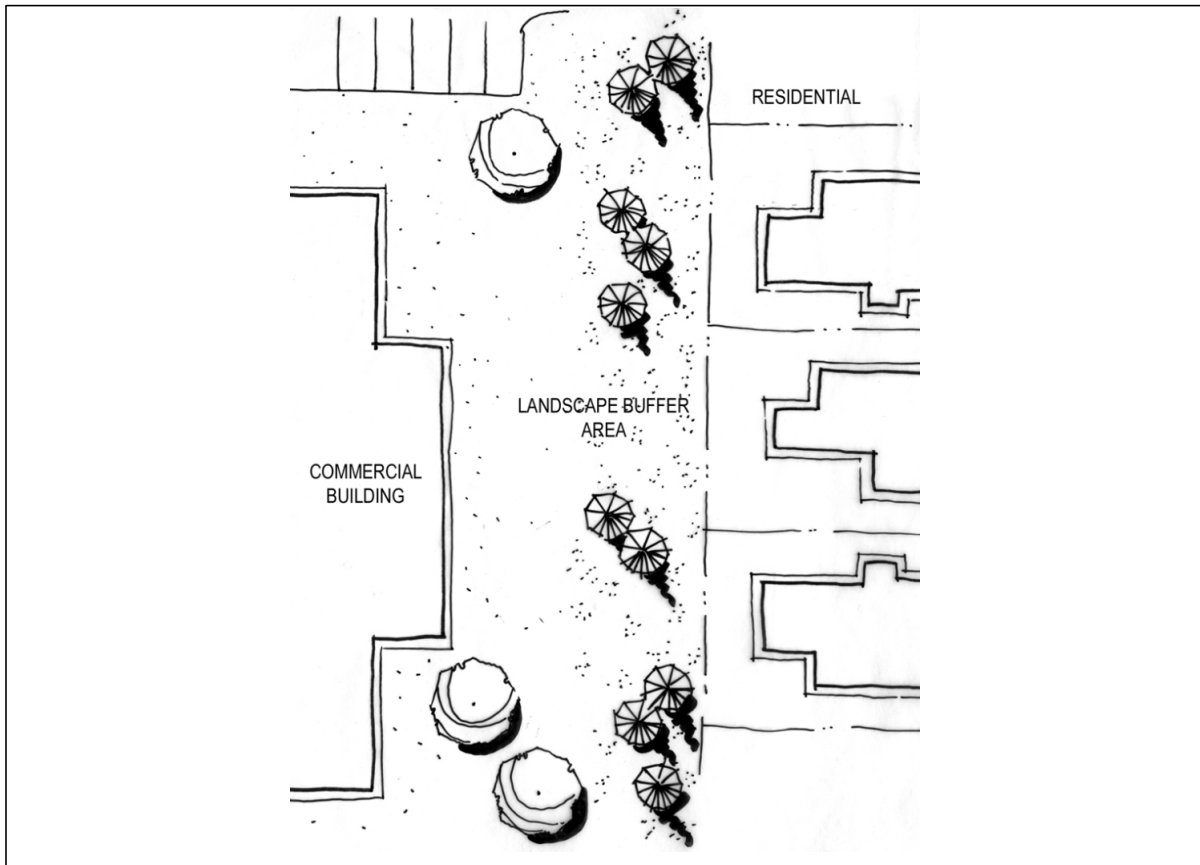


Figure 7-301 D, Landscape Buffer

- E. Materials.** Structures shall be constructed with materials that are aesthetically pleasing and do not detract from adjacent buildings or uses.

F. Building Scale. The scale of buildings on the site shall relate to the scale of structures on adjacent properties and the nature of the proposed use.

Section 7-302 Building Design.

A. Entryway.

- 1. Orientation With Street.** At least one main entrance of buildings shall directly face to the street and provide a clear view of the public entry.
- 2. Visibility.** Commercial, industrial and multi-family buildings shall have clearly defined, highly visible entrances.

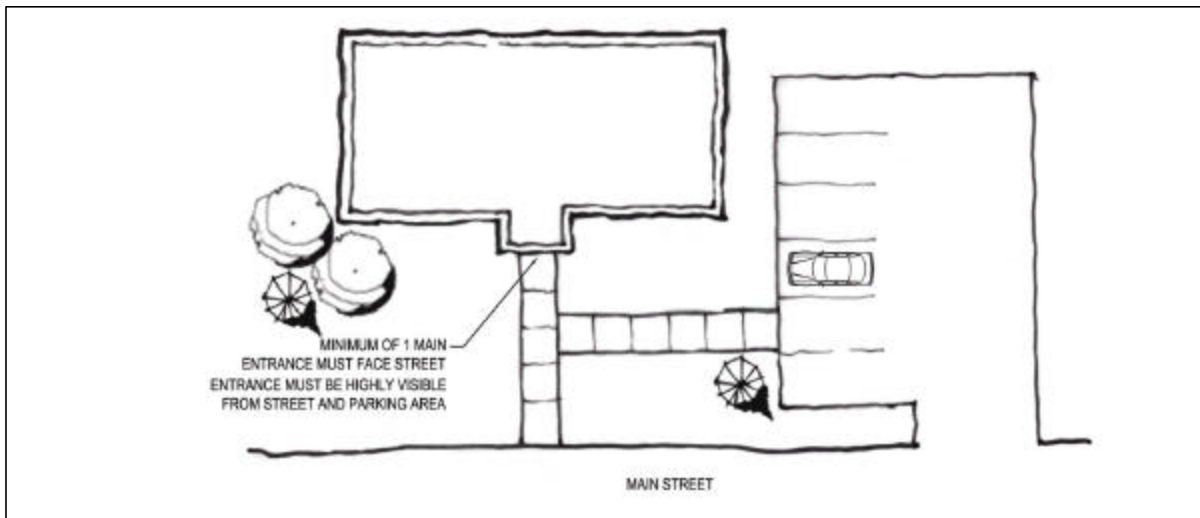


Figure 7-302 A, Entryway Orientation and Visibility

B. Solar Orientation. To the extent possible, buildings shall be oriented to take advantage of solar energy.

C. Materials, Color and Contrast. A variety of materials and colors shall be used on each building to avoid uniform facades. Various depths, overhangs, and a variety of colors, depth and materials and texture shall be incorporated into building design.

Section 7-303 Design and Scale of Development.

A. Minimal Site Disturbance. The design and scale of the development shall not cause unnecessary or excessive site disturbance.

B. Minimize Adverse Influences by Airport Operations. Residential lots should be located to minimize adverse influences due to airports and airport operations.

C. Efficiency in Provision of Services and Access to Facilities. The development shall be designed to facilitate efficiency in the installation of all public and private facilities and services. Residential development should be located nearest to utilities and roads to minimize the amount of construction required for these improvements and the loss of agricultural land.

Section 7-304 Off-Street Parking and Loading Standards

A. Off-Street Parking Required. All uses shall be required to provide the number of off-street parking spaces that complies with the standards set forth in Table 7-304 A, *Minimum Off-Street Parking Standards By Use*.

1. **Multiple Uses.** If two (2) or more principal uses occupy a single parcel or structure, the number of required off-street parking spaces for the parcel or structure shall be the cumulative total for each principal use of the parcel or structure.
2. **Shared Parking or Loading Areas.** A parking or loading space that is required by these Regulations shall not be a required parking or loading space for another use, unless it can be shown that the shared use will not result in a shortage of parking at any time. Use of approved shared parking or loading spaces, based upon the following conditions, may reduce the number of off-street parking spaces by [up to twenty percent (20%)] of the total required for all uses.
 - a. The peak use periods for the required parking or loading space will not overlap with one another.
 - b. The shared use arrangement for parking or loading spaces shall be for two or more uses located on the same site or adjoining sites.
3. **Required Fractional Spaces.** When any calculation of the number of required off-street parking spaces results in a fractional space being required, such fraction shall be rounded up to the next higher number of spaces.

Section 7-304 Off-Street Parking and Loading Standards

- 4. Uses Not Listed.** The number of required off-street parking and loading spaces for any use not specifically listed in Table 7-304 A, *Minimum Off-Street Parking Standards By Use* shall be determined by the Board of County Commissioners, considering a report and recommendation by the [Administrator/Director].

TABLE 7-403 A MINIMUM OFF-STREET PARKING STANDARDS BY USE	
USE	PARKING STANDARD
Single-Family or Two-Unit Residential Dwelling	2 spaces per dwelling unit ¹
Manufactured Home (Single-Family Dwelling Unit)	2 spaces per manufactured home space ¹
Multi-Unit Residential Dwelling	
1 bedroom or studio	2 spaces per dwelling unit ¹
2 to 3 bedrooms	2.5 spaces per dwelling unit ¹
4 or more bedrooms	3 spaces per dwelling unit ¹
Bed and Breakfast	1 space per rental unit offered for guest accommodations ³
Lodging Unit (including hotel, motel, lodge, boarding house, and similar use)	1 space per room
Retail, Service, Commercial, and Office	1 space per 250 sq. ft. of net leasable floor area ²
Restaurant and Tavern	1 space per every 4 seats
Auditorium and Public Assembly Areas	1 space per 100 sq. ft. of floor area used for seating or assembly
Public Facilities and Health Facilities (excluding Auditorium and public assembly facilities)	1 space per 300 sq. ft. of floor area ²
Manufacturing Establishment	1 space per 1,000 sq. ft. of floor area
Wholesale Establishment, Warehouse, Rail, or Truck Freight Terminals	1 space per 2,000 sq. ft. of floor area
NOTES: <ol style="list-style-type: none"> 1. The parking requirement for a studio or one-bedroom dwelling unit shall be two (2) spaces per unit. 2. Net leasable areas include only those areas that are designed to be leased to a tenant and occupied for commercial or office purposes, exclusive of any area dedicated to foyers, bathrooms, stairways, circulation corridors, and mechanical areas and storage areas used solely by tenants on the site. 3. Guest parking requirements are in addition to any parking required for the primary residential dwelling unit. 	

B. Off-Street Loading Required. Buildings or structures that are designed to receive and distribute materials and merchandise by truck, or that are substantially altered so as to receive and distribute materials and merchandise by truck, shall provide and maintain off-street loading berths or loading spaces in sufficient number to meet their own needs. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the standards in Table 7-304 B, *Minimum Off Street Loading Requirements* shall be used in establishing the minimum number of off-street loading berths required:

TABLE 7-304 B MINIMUM OFF-STREET LOADING REQUIREMENTS	
GROSS FLOOR AREA OF THE BUILDING	NUMBER OF REQUIRED BERTHS OR SPACES
Up to 10,000 Sq. Ft.	1
Greater than 10,000 Sq. Ft.	2

C. Provision and Maintenance of Off-Street Parking is a Continuing Obligation. The provision and maintenance of off-street parking and loading spaces that comply with these Regulations shall be a continuing obligation of the property owner.

D. Prohibited Uses of Required Spaces. Required parking spaces shall be available only for the parking of operable passenger automobiles of residents, guests, customers, patrons, and employees of the use for which they are required. Prohibited uses of required parking spaces shall be as follows:

- 1. Inoperable Vehicles or Materials.** Materials or inoperable vehicles shall not be stored in required parking spaces.
- 2. Delivery Vehicles.** Delivery vehicles or trucks used in conducting the business or use shall not be parked in required parking spaces during business hours.
- 3. Vehicles for Sale.** Vehicles shall not be displayed for sale in any parking area required for a non-residential use, except for the casual display of a vehicle by its owner, when the owner is an employee or customer using the premises.

4. **Repair Work.** Repair work shall not be conducted in any parking area required for a non-residential use if the repairs render a vehicle inoperable for more than twenty-four (24) hours.
5. **Commercial Vehicles on Residential Property.** Commercial vehicles or heavy equipment used in a business operation shall not be parked in required parking spaces for a residential use, unless the commercial vehicle is used for an allowed home occupation or is a company vehicle used for commuting that is parked overnight.

E. Location of Required Parking Spaces. Unless otherwise allowed by these Regulations, required off-street parking spaces shall be located as follows.

1. **On the Same Lot.** On the same lot as the use the spaces are intended to serve.
2. **Within a Common Assigned Parking Area.** Within a common assigned parking area under the ownership of the individual owners of, and within the same development as, the use the spaces are intended to serve.

F. Loading and Unloading. Loading and unloading of vehicles serving commercial and industrial uses shall be conducted on private property and not on any street or alley.

G. Parking and Loading Area Surface.

1. **Surface Materials.** Off-street parking and loading areas shall have a durable, all weather surface made of materials that are suitable for the uses to which the area will be put, and are compatible with the character of the proposed development and the surrounding land use. Appropriate parking and loading surface materials may include asphalt, concrete, paving blocks, and gravel surface. Grass ring surface may be used for temporary or emergency purposes.
2. **Grading.** Off-street parking and loading area surfaces shall be compacted and graded, with a minimum grade of two percent (2%) for asphalt, one percent (1%) for concrete, and two percent (2%) for paving blocks, gravel, or grass ring surface, to permit drainage of surface water without damage to public or private land or improvements.
3. **Striping.** Paved surfaces shall be striped to demarcate the parking

spaces for all commercial lots and for residential lots containing over four (4) contiguous spaces.

H. Minimum Dimensions of Parking Areas.

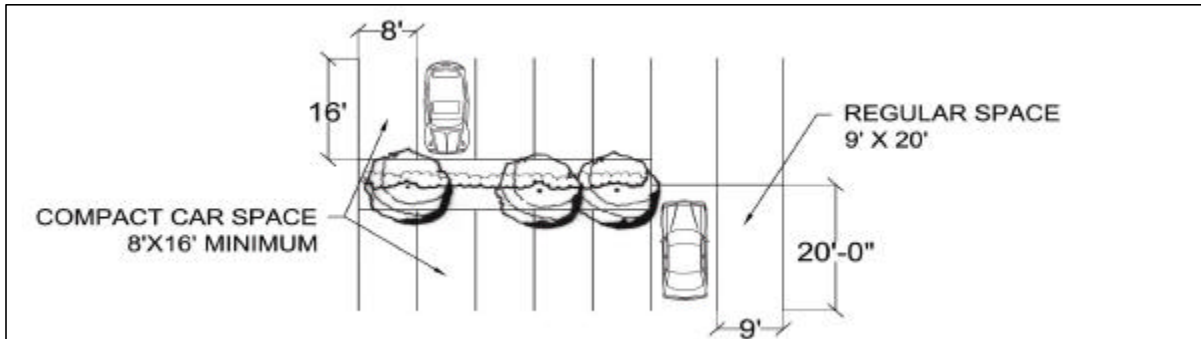


Figure 7-304 H, Parking Space Dimensions

1. The minimum dimension of a regular parking space shall be 9' x 20'.
2. The length of a parking space may be reduced to eighteen (18) feet, including wheel stop, if an additional area of two (2) feet in length is provided for the front overhang of the car, provided that the overhang shall not reduce the width of an adjacent walkway to less than four (4) feet.

I. Compact Car Spaces. In parking areas containing more than (10) spaces, up to twenty percent (20%) of the number of spaces over the first ten (10) spaces may be designed for compact cars.

1. **Minimum Dimensions.** A compact car space shall have minimum dimensions of eight (8) feet in width by sixteen (16) feet in length.
2. **Signage.** Compact car spaces shall be designated for exclusive use by compact cars and identified by stencil signage or a raised identification sign not to exceed [specify dimensions].

J. Handicapped or Accessible Parking.

1. **Minimum Number of Spaces.** Table 7-304 J1, *Number of Accessible Parking Spaces* identifies the required minimum number of handicapped or accessible parking spaces.

Section 7-304 Off-Street Parking and Loading Standards

TABLE 7-304 J1 MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES	
TOTAL SPACES IN LOT OR GARAGE	MINIMUM REQUIRED NUMBER OF ACCESSIBLE SPACES
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1,000	10
OVER 1,000	20 spaces plus one (1) space for every 100 spaces, or fraction thereof, over 1000.

2. **Location.** Unless otherwise provided by the Uniform Building Code or applicable state and federal regulatory provisions, handicapped or accessible parking spaces shall be located on the shortest possible accessible route from adjacent parking to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
3. **Design and Construction.** Design and construction of handicapped or accessible parking shall be in accordance with CABO/ANSI A117.1
4. **Minimum Width, Stall and Access Aisle.** Handicapped or accessible parking spaces shall have a minimum stall width of eight and one-half (8.5) feet with an adjacent access aisle five (5) feet wide. Parking access aisles shall be part of the accessible route to the building or facility entrance, in compliance with the UBC or CABO/ANSI A117.1. Two handicapped or accessible parking

spaces shall be allowed to share a common access aisle.

- a. **Van Accessible Parking Adjacent Access Aisle.** Van accessible parking shall have a minimum adjacent access aisle width of eight (8) feet.
- b. **Passenger Loading Zones.** Passenger loading zones shall provide an access aisle five (5) feet in width and a minimum of twenty (20) feet long, adjacent and parallel to the vehicle pull-up space and at the same level as the roadway. Passenger loading zone access aisles may be part of the accessible route of travel to the building or facility entrance.

5. **Van Accessible Parking.** One van accessible parking space shall be provided for every five (5) handicapped or accessible parking spaces, or fraction thereof.

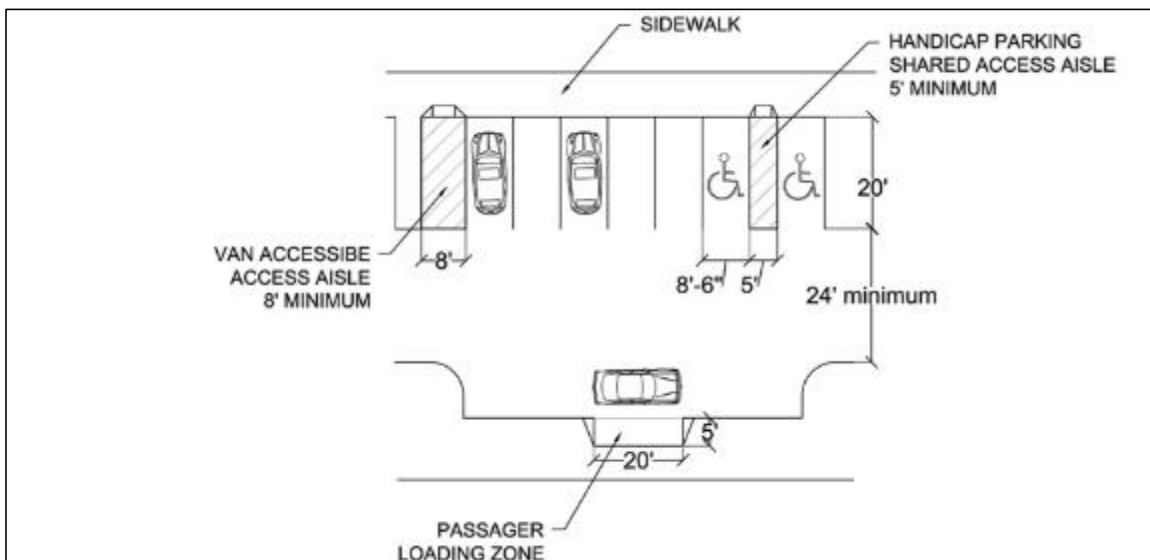


Figure 7-304 J Van Access, Handicap Access and Passenger Loading Dimensions

6. **Signage.** Handicapped or accessible parking spaces shall be identified by a sign showing the international symbol of accessibility, in compliance with CABO/ANSI A117.1, Section 4.28.8. Signs shall not be obscured by a vehicle parked in the space.

K. Tandem Parking.

1. **Conditions for Tandem Parking to Meet Off-Street Parking**

Standards. Tandem parking (a vehicle parking directly behind another) that meets the following conditions may be applied to meet the off-street parking standards of these Regulations.

- a. Use of the space does not impede the movement of other vehicles on the site.
- b. Tandem spaces serving multi-family dwelling units are assigned to the same dwelling unit.
- c. Valet parking shall be provided for tandem spaces serving retail or commercial uses.

- 2. **Credit Limited to One (1) Space.** A tandem parking space may be used to obtain credit for one (1) required parking space.
- 3. **Tandem Parking Prohibited in Parking Structure.** Tandem parking shall not be allowed when required parking is located within a parking structure or within a garage that serves multiple dwelling units.

L. Minimum Dimensions of Loading Berths. The minimum dimension of any loading berth shall be ten (10) feet wide by thirty-five (35) feet long, with a vertical clearance of fourteen (14) feet. If the typical size of vehicles used in connection with the proposed use exceeds these standards, the dimensions of these berths shall be increased accordingly.

M. Backing Onto Public Streets Prohibited. All parking areas shall be located and designed in conjunction with a driveway, so that vehicles exiting from a parking space shall not be required to back onto the right-of-way of a public street. Vehicles exiting from a parking space for a single-family or two-unit residential dwelling may back onto a residential street. Vehicles exiting from a parking space for any use may back onto the right-of-way of an alley adjacent to the property.

N. Unobstructed Access. Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, except for approved residential tandem parking.

O. Access Driveways. Access driveways for required off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site.

1. **Minimum Width of Access Driveways.**
 - a. The minimum width of the access driveway for a commercial or industrial use shall be twelve (12) feet for a one-way drive and twenty-four (24) feet for a two-way drive.
 - b. The minimum width of the access driveway for a residential use shall be ten (10) feet for a one-way drive and twenty (20) feet for a two-way drive.
2. **Clear Vision Area Requirements for Access Driveways.** Access driveways shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection. Landscaping restrictions for a clear vision area are set forth in Section 7-305 A10.

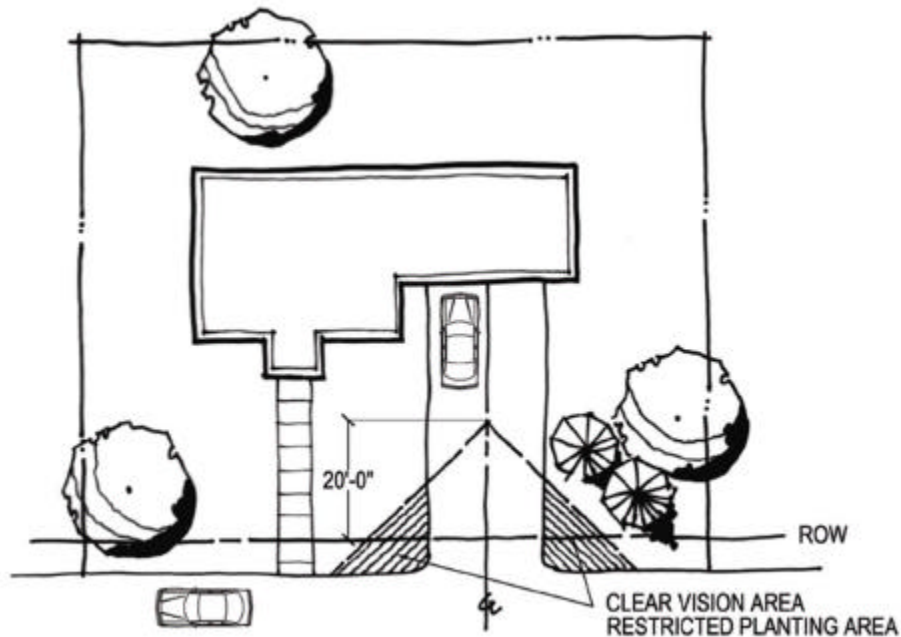


Figure 7-304 O2, Clear Vision Areas

P. Parking and Loading Area Landscaping and Illumination. Off-street parking and loading areas for non-residential uses located adjacent to residential uses or residential zoning districts shall be landscaped to minimize disturbance to residents, including installation of perimeter landscaping, proper screening of

loading areas with opaque materials and control of illumination. The landscaping and screening shall comply with the standards of Section 7-305 A11, *Landscaping Within Off-Street Parking Areas*. Lighting shall comply with the standards of Section 7-305 B, *Lighting Standards*.

Section 7-305 Landscaping and Lighting Standards.

A. Landscaping.

1. Basic Standards

- a. Maintenance.** All plant materials must be kept in a healthy condition. Dead plants must be removed and replaced as necessary.
 - (1)** Newly installed landscaping must include a properly functioning automated sprinkler and/or drip irrigation system, with individual zones for nonturf areas.
- b. Restoration and Revegetation of Disturbed Areas.** All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements, shall be successfully revegetated with a mix of native, adaptive and drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.
- c. Installation.** All plant materials shall be installed in the best possible manner to ensure their continued viability. Shrub and flower beds must be lined with a weed barrier mesh (or similar material designed for weed control) to prevent the introduction of noxious weeds.
- d. Protection of Existing Trees and Shrubs.** All landscaping plans shall include provisions to protect existing trees and shrubs that are to be preserved and integrated within the planting areas.
 - (1)** Construction materials and debris shall be stockpiled outside dripline areas, a minimum distance of 1½ times the dripline perimeter. The stockpile area shall

be clearly marked with temporary fencing or other similar material.

- e. **Landscaping Must Be Located On-Site.** All required landscaping must be located on the property it serves.
- f. **Location of Plantings With Regard to Right-of-Ways.** All required landscaping must be located outside of any adjacent right-of-way unless a written waiver is received from the [Administrator/Director].
- g. **Contents of Planting Beds.** All planting beds shall contain a combination of organic and inorganic materials. Living plant material must comprise at least fifty (50) percent of the planting bed.

2. Multi-Unit Residential Development and Commercial, and Industrial Development.

- a. Lots in a residential zoning district which contain multi-unit residential development and lots in the commercial and industrial zoning districts shall be landscaped in the areas not covered by impervious materials.
- b. Landscaping shall be installed to effectively buffer proposed commercial or industrial uses from surrounding residential uses and to provide a landscaped buffer along collector and arterial streets.
- c. Landscaping in multi-unit residential, commercial and industrial development areas shall be used to screen from view uses such as trash enclosures, storage areas, mechanical equipment, loading docks, and similar items where such areas are visible from public roads, sidewalks or open space.

3. Residential Subdivision and Planned Unit Development (PUD).

- a. Landscaping in a residential subdivision or planned unit development shall be consistent with the character of the development, the unique ecosystem and specific environment in which the development is located.

- b. Landscaping in a residential subdivision or planned unit development shall be used to screen from view uses such as trash enclosures, storage areas, mechanical equipment and similar items where such areas are visible from public roads, sidewalks or open space.
- 4. **Cover.** Non-living ground cover may include decorative gravel, bark mulch, river rock or similar materials. Decorative elements, such as walks, decks, terraces, water features and similar features may be included. Planting beds may not contain more than 50% non-living ground cover.
- 5. **Plants Compatible with Local Conditions.** All plants used for landscaping shall be compatible with the local climate and the soils, drainage and water conditions of the site. When planting occurs on hillsides, slopes, drainage ways or similar natural areas, plant material should duplicate adjacent plant communities both in species composition and special distribution patterns. Whenever possible, drought-resistant varieties of plant materials shall be utilized. Xeriscape design principles and the use of native plant species shall be used when appropriate.
- 6. **Existing Vegetation.** The landscape plan shall be designed so that healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are preserved and integrated within planting areas. Existing healthy trees and shrubs that are preserved shall count towards the landscaping standards of this Division.
- 7. **Minimum Size.** To ensure healthy plant materials are installed in new development, trees and shrubs shall comply with the quality standards of the Colorado Nursery Act (1973) Title 35, Article 36, C.R.S., as amended.
 - a. **Deciduous Trees.** Deciduous trees shall be a minimum of two inches (2") in caliper measured four (4) inches above the ground.
 - b. **Coniferous Trees.** Coniferous trees shall be a minimum of six (6) feet in height, measured from the top of the root ball to the top of the tree.

- c. **Ornamental Trees.** Ornamental trees shall be a minimum of one and one-half (1.5) inches in caliper, measured four (4) inches above the ground.
 - d. **Shrubs and Vines.** Shrubs shall be a minimum of one (1) foot in height at time of planting. Vines shall be in a minimum one (1) gallon container.
- 8. **Minimum Number of Trees and Shrubs.** Trees and shrubs must be grouped in strategic areas and not spread thinly around the site. Where screening is required, plant materials must be sufficient to create a semi-opaque wall of plant material between the property and the adjoining area to be screened.
- 9. **Parking and Storage Prohibited.** Areas required as landscaping shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if designed in compliance with Section 7-306, *Snow Storage Standards*.
- 10. **Obstruction Prohibited.**
 - a. **Clear Vision Area.** Clear vision areas shall be designated in compliance with Section 7-304 O2, provisions of the [County Road Standards], applicable requirements of the Colorado Department of Transportation, and as otherwise deemed necessary for public health and safety. Plant materials shall be limited to thirty (30) inches in height within the clear vision area to avoid visibility obstructions or blind corners at intersections.

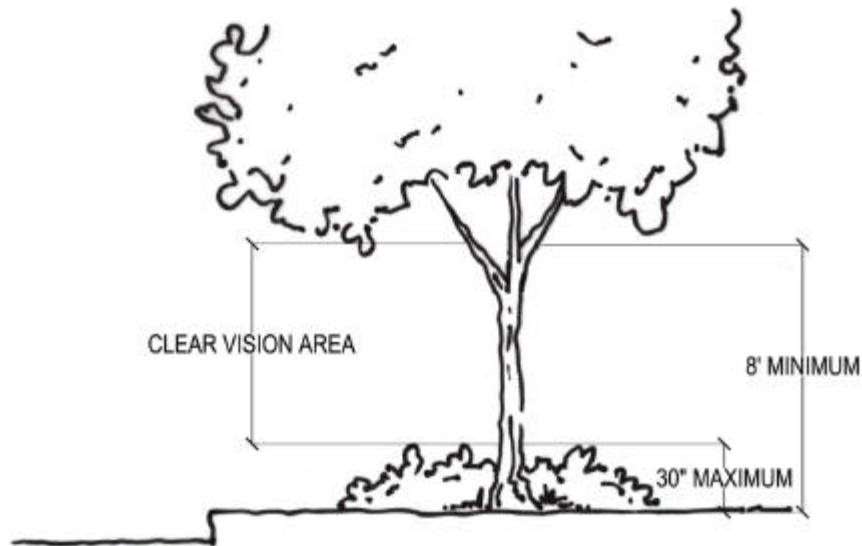


Figure 7-305 A10, Clear Vision Areas

- b. Fire Hydrants and Utilities.** Landscaping shall not obstruct fire hydrants or utility boxes and shall be installed so it will not grow into any overhead utility lines. Trees and shrubs shall not be planted within four (4) feet of existing overhead or underground lines.
- 11. Landscaping Within Off-Street Parking Areas.** All off-street parking areas containing fifteen (15) or more spaces shall provide landscape buffers when adjacent to street rights-of-way. Landscape buffers may be achieved through the use of earthen berms, shrubs, trees or other appropriate materials to effectively screen the parking area from the rights-of-way.
 - a. Interior Parking Areas.** Planting shall be established to break up the interior of all parking areas. Landscape planting islands shall be a minimum of eight feet (8') in width to ensure adequate room for planting.

Section 7-305 Landscaping and Lighting Standards: Lighting Standards

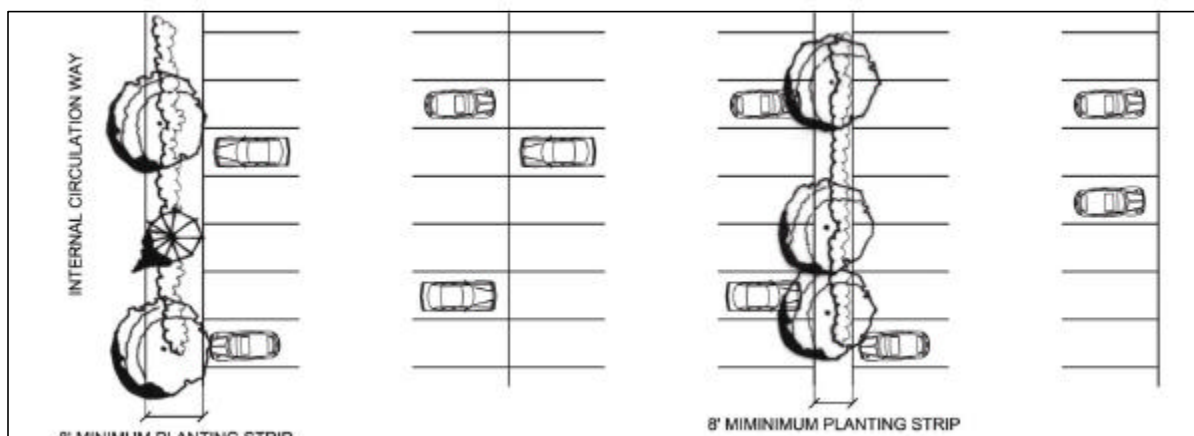


Figure 7-305 A11: Center Planting Strip

B. Lighting Standards. Any outdoor light used for the illumination of parking areas, loading areas and recreation areas, or for any other private or public purpose, shall meet the following conditions.

1. **Downcast lighting.** Exterior lighting shall be designed so that light is directed inward, towards the interior of the subdivision or site.
2. **Shielded Lighting.** Exterior lighting shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly onto other properties.
3. **Hazardous Lighting.** The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused or construed as traffic control devices.
4. **Flashing Lights.** Blinking, flashing or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color shall be prohibited in all zoning districts.
5. **Height Limitations.** Light sources which exceed [twenty-five (25) feet] in height shall not be allowed, except for temporary holiday displays or as required by local, state or federal regulations.

Section 7-306 Snow Storage Standards. The following standards shall apply on any property that contains two-unit or multi-unit residential development, commercial or industrial uses, or a common outdoor parking area established

pursuant to Section 7-304, *Off-Street Parking and Loading Standards*.

A. Designated Snow Storage Area Required. A designated area, sufficient to store snow from the entire parking area, shall be provided. As a general guideline, and considering the varying elevations and snowfall amounts throughout the County, it is anticipated that a minimum area equivalent to two and one-half percent (2.5%) of the total area of the required off-street parking and loading area, including access drives, shall be designated to serve as a snow storage area.

B. Storage in Parking Spaces Prohibited. Required off-street parking and loading areas shall not be used for snow storage.

C. Storage in Yards and Open Space Allowed. Snow stored in a required yard or open space shall not be located in a manner that restricts access or circulation, or obstructs the view of motorists.

D. Storage on Public Roadways Prohibited. The traveled area of public roadways shall not be used for snow storage.

E. Adequate Drainage Required. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

Section 7-307 Roadway and Access Standards. All roadways and access shall comply with the construction specifications contained in the [*County Road Standards*] and the following basic standards for design and arrangement.

A. Basic Roadway and Access Design and Arrangement.

- 1. Subdivision Access.** Access to all subdivisions shall be from a public street system.
- 2. Requirement for Roadway Infrastructure.** Roadways, curbs and gutters, and sidewalks shall be provided as required by the [*County Road Standards*].
- 3. Circulation and Alignment.** The road system shall provide adequate and efficient internal circulation within the development and provide reasonable access to public highways serving the development. Roads shall be designed so that alignments will join

in a logical manner and combine with adjacent road systems to form a continuous route from one area to another.

4. **Intersections.** No more than two streets shall intersect at one point, with a minimum of two hundred (200) feet between off-set intersections, unless otherwise approved by the [*County Engineer*].
5. **Street Names.** Street names shall be consistent with the names of existing streets in the same alignment; otherwise there shall be no duplication of street names in the County.
6. **Congestion and Safety.** The road system shall be designed to minimize road congestion and unsafe conditions.
7. **Continuation of Roads and Dead-End Roads.** Roads shall be arranged to provide for the continuation of major roads between adjacent properties when appropriate and necessary for traffic movement, effective fire protection, or efficient provision of utilities.
 - a. If the adjacent property is undeveloped and the road must be temporarily dead-ended, right-of-way shall be extended to the property line and the Board may require construction and maintenance of a turnaround for temporary use. The final plan shall include a plat notation that land outside the normal road right-of-way shall revert to abutting property owners when the road is continued.
8. [*Comprehensive Plan/Master Plan*], **Intergovernmental Agreements, and** [*County Road Improvement Plan*]. The road system shall be in conformance with applicable provisions of the [*Comprehensive Plan/Master Plan*] and intergovernmental agreements with adjoining municipalities. The proposed development shall not have an adverse impact on the County's [*road improvement plan*].
 - a. The applicant may be required to make necessary improvements to the impacted roads as a condition of plat approval.
9. **Relationship to Topography.** Streets shall be designed to bear a logical relationship to the topography, creeks, wooded areas, and other natural features. The road grade shall conform to the original

topography. Combinations of steep grades and curves should be avoided.

10. **Erosion and Drainage.** The road system shall minimize erosion and provide for efficient and maintainable drainage and utility systems.
11. **Commercial and Industrial.** The roads and access in commercial and industrial developments shall be designed to minimize conflict between vehicular and pedestrian traffic.
12. **Emergency Access and Egress.** Roads shall be designed so as to provide emergency access and egress for residents, occupants and emergency equipment. Emergency access shall comply with provisions of the [*County Road Standards*] and requirements of applicable emergency services such as fire protection, ambulance and law enforcement.
13. **Road Surface.** The road surface shall comply with requirements of the [*County Road Standards*].
14. **Traffic Control and Street Lighting.** Traffic control devices, street signs, street lighting, striping and pedestrian crosswalks are to be provided in conformance with these Regulations, and criteria contained in [*County Road Standards and/or Manual Uniform Traffic Control*].
15. **Drainage Structures.** Roadway drainage structures such as bridges, culverts, cross pans, inlets, curbs and gutters shall be provided as determined by design and in conformance with the [*County Road Standards*].
 - a. **Culverts.** Culverts are required where driveways connect to roadways unless specifically exempted by the [*County Engineer*]. It is the responsibility of the property owners to maintain their culverts free and clear of mud, silt, debris and ice. Water which flows out of driveways shall be diverted to ditches. Damage to a road caused by a blocked culvert, lack of culvert, or driveway runoff is the responsibility of the property owner and costs of repairs by [*County*] may be billed to the property owner as authorized by Colorado Statutes (Title 43, Article 5, C.R.S.).

- b. Roadside Ditches.** Water flowing in roadside ditches shall be diverted away from the road as quickly as possible. In no case shall water travel in a roadside ditch for a distance greater than eight hundred (800) feet or have a flow greater than five (5) cubic feet per second during a 25-year, 24 hour storm event.

Section 7-308 Trail and Walkway Standards

A. Recreational and Community Facility Access.

- 1. Public Access to Waterbodies and Fishing Easements.** Public access and fishing easements to lakes, rivers and streams shall be provided if it is determined to be appropriate and feasible by the Board of County Commissioners.
- 2. Link to Public Facilities and Recreation Areas.** A trail system shall be provided in developments where a link to schools, shopping areas, parks, trails, greenbelts and other public facilities is determined to be appropriate and feasible by the Board of County Commissioners.
- 3. Trail Right-of-Way Standards.** Trail rights-of-way for dedicated park lands and open space shall conform to the following criteria:

 - a.** The land required for trail rights-of-way shall be set aside as an easement.
 - b.** The width for trail easement shall be adequate to handle the proposed use based on the particular reasonable needs of the trail, its location, the surrounding terrain, and the anticipated usage. The minimum width for trail easement shall be twelve (12) feet.
 - c.** Public access to the trail easement shall be provided within the subject property.
 - d.** The trail easement may overlap and include property previously included in other easements such as ditch, canal, utility and conservation easements and public or private open space. However, the trail easement shall not compromise the functional use of any other easement.

B. Trail or Walkway Service Comparable to Sidewalks. A system of trails and walkways may be used as an alternative to required sidewalks provided that the level of service provided by the proposed trail or walkway system shall be comparable to that of applicable sidewalk requirements.

C. Platting Required. All easements, trails and walkways shall be platted.

D. Compatible Construction. The type of construction of trails and walkways shall be compatible with the anticipated use.

E. Safety. Unsafe road crossing locations shall be avoided. Special structures and/or traffic control devices may be required at road crossings for safety.

F. Maintenance. Suitable provisions for maintenance of trail and walkway systems shall be established through a perpetual association, corporation or other means acceptable to the County.

Section 7-309 Utility Standards. Adequate gas, electric power, telephone and cable television shall be available to serve the land use.

A. Approval of Utility Easement by Utility Company. Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be provided for main switching stations and substations. The applicant shall work with the utility companies to provide reasonable sized easements in appropriate locations.

B. Utility Location. Unless otherwise provided in these Regulations, the following conditions shall apply to the location of utility services.

- 1. Underground Location.** All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other appurtenant facilities shall be located underground throughout the development, unless it is demonstrated to the satisfaction of the Board of County Commissioners that compliance is impractical or not feasible and will result in undue hardship.
- 2. Easement Location.** All utility lines, including appurtenances, shall be placed either within public road rights-of-way or within the subdivision easements or rights-of-way provided for the particular facilities.

3. Dimensional Requirements.

- a. Easements centered on common rear lot lines shall be at least sixteen (16) feet wide.
- b. Where an easement abuts a rear lot line which is not the rear lot line of another lot, or which is on the perimeter of the development, the easement width shall be ten (10) feet or more.
- c. Where easements are combined with a water course, drainage way, channel, or stream and the use would be in conflict with drainage requirements or wetlands, an additional utility easement of at least ten (10) feet in width shall be provided.
- d. Multiple use of an easement is encouraged to minimize easements.
- e. Where inclusion of utilities within the rear lot lines is impractical due to topographical or other conditions, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines.

C. Final Plat Requirements. The final plat shall note all easements, shall include notation regarding the purpose and ownership of the easement, and the use or uses for each easement shall be designated on the final plat to avoid use conflicts.

D. Dedication of Easements for Benefit of the Public. Unless otherwise required by the Board of County Commissioners, easements that are for the benefit of the public, including public utility easements and drainage easements, shall be dedicated to [County].

- 1. These easements are the property of [County].
- 2. The County shall act as custodian of the easements and may limit the use of such easements to the purposes indicated on the final plat.

E. Permit Requirements. Permits for construction within the easements

may be required by the Board of County Commissioners. The construction, installation and repair of right-of-way openings for subsurface utilities shall require approval from the County, posting of an appropriate bond, and evidence of adequate insurance.

F. Construction and Installation of Utilities. Applicants shall make the necessary arrangements with each service utility for the construction and installation of required utilities.

1. Utilities shall be installed in a manner that avoids unnecessary removal of trees or excessive excavations, and shall be reasonably free from physical obstructions.

G. Conflicting Encumbrances. Easements shall be free from conflicting legal encumbrances.

Section 7-310 Impact Fees (RESERVED) *[Placeholder for County to incorporate regulatory provisions for impact fees]*

DIVISION 4 SUBDIVISION STANDARDS AND DESIGN SPECIFICATIONS

Section 7-401 Basic Subdivision Standards

A. Extensions for Future Development. Extensions required to provide infrastructure for future development or comply with intergovernmental agreements shall be provided.

B. Maintenance of Common Facilities. Maintenance of common facilities shall be accomplished either through covenants and a homeowners association, a separate maintenance agreement, or some other perpetual agreement.

Section 7-402 Subdivision Lots. All lots in the subdivision shall conform to the following specifications:

- A. Developable Lots.** The division of land shall result in the creation of lots which can be developed for use in conformance with the land use regulations of this Code.
1. The division of land does not create lots which are illegal or nonconforming lots under these Regulations. Any existing lot that is nonconforming shall not increase its degree of nonconformancy.

2. The proposed building lots shall contain safe, adequate building sites capable of complying with applicable use restrictions and standards set forth in these Regulations.
 - a. **Appropriate for Location.** Lot characteristics shall be appropriate for the location of the development.
 - (1) The minimum lot size allowed by the applicable zone district requirements may be increased for lots developed in areas posing a potential hazard to health or safety due to soil conditions or geology.
 - b. **Appropriate for Use.** Lot characteristics shall be appropriate for the type of use allowed.
 - (1) Depth and width of lots shall be adequate to provide for the required off-street parking and loading facilities required by the type of use and development contemplated.
 - (2) The width of residential corner lots shall be sufficient to accommodate the required building setback from both roads.
- B. **Maximum Number of Lots.** The number of lots in any plat filing for a subdivision shall not exceed [specify maximum number] lots.
- C. **Lots Have Access to Public Roadways.** All lots shall front on and have access to a public right-of-way or approved private access easement.
- D. **Double Frontage Lots Avoided.** Lots with double frontage shall be avoided except where essential and unavoidable to provide separation from major arterials, incompatible land uses or topographical or other environmental considerations.
- E. **Side Lot Line Alignment.** Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
- F. **Lot Configuration - Cul-de-Sacs.** Wedge shaped lots or lots fronting on cul-de-sacs shall be a minimum of thirty (30) feet in width at the front property line.

G. Lot Division by Boundaries, Roads or Easements Prohibited. No lots shall be divided by County or municipal boundaries or roads. Utility, access or drainage easements shall not divide a lot.

Section 7-403 Subdivision Blocks. Subdivision block lengths and widths shall be appropriate to the types of land use anticipated in the subdivision, consistent with the applicable zoning district provisions and compatible with the terrain.

A. Block Size Adequate for Proposed Use. The size of blocks shall be adequate to accommodate the proposed use.

B. Block Size Adequate for Access and Safety. The size of blocks shall be designed for convenient access, vehicular and pedestrian circulation, and control and safety of street traffic.

C. Block Size Adequate to Accommodate Proposed Individual Septic Systems. The size of blocks shall be adequate to accommodate leaching fields where individual septic disposal systems are proposed.

D. Block Size Adequate to Accommodate Both Proposed Wells and Individual Septic Systems. The size of blocks shall be adequate for the location of domestic wells where individual septic disposal systems are used.

E. Accommodation for Future Subdivision. When a tract is to be subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.

Section 7-404 Fire Protection.

[or refer to National Fire Protection Association National Fire Code, and Standard 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting]

A. Adequate Access Points. Subdivision fire protection plans shall be reviewed by the appropriate fire protection district to ensure that all lots have adequate primary and secondary access points to escape fire entrapment.

B. Fire Lanes. Subdivisions may be required to include fire lanes, adequate to allow passage of heavy firefighting equipment, where the forested portion of a proposed subdivision joins or parallels national forest boundaries.

1. The width and other characteristics of required fire lanes shall be

established for the individual subdivision by the Board of County Commissioners in consultation with the appropriate fire suppression agencies and the U. S. Forest Service.

2. Fire lanes to be cleared shall be indicated on the Preliminary Plan and on the Final Plat or Exemption Plat, and provisions for required fire lanes shall be included in the Improvement Agreement.

C. Water Sources for Fire Protection. Water used for fire protection purposes may be non-potable water and may be from a source separate from the domestic supply.

1. Fire fighting water sources for the proposed subdivision shall meet the requirements of the appropriate fire protection district.
2. Where there is no central water system available, a centrally located fire protection storage tank shall be required. The storage tank shall be designed to meet the fire protection needs of the subdivision and approved by the appropriate fire district.

D. Fire Hydrants. Fire hydrants shall be required in all subdivisions serviced by a central distribution system.

1. Hydrants shall be spaced not more than one thousand (1000) feet apart and provided with adequate pressure, flow and duration, as determined by prevailing underwriter standards for fire fighting purposes.
2. All fire hydrants shall meet the specifications for the appropriate fire protection agency, particularly with regard to thread size on the fire hydrants.

E. Installation by Applicant. If fire protection facilities are to be installed by the applicant, these facilities, including all surface access roads, shall be installed and made serviceable prior to and during the time of construction.

F. Maintenance. Provisions for continued maintenance of fire protection systems and means of enforcement by the County shall be included in the Improvement Agreement.

Section 7-405 Survey Monuments. Permanent survey monuments shall be set within all subdivisions pursuant to Sections 38-51-104 and 38-51-105,

C.R.S. Prior to selling or advertising the sale of lots, No. 5 steel rebar, twenty-four (24) inches or longer in length, shall be set at all lot corners. The registration number of the responsible land surveyor shall be fixed securely to the top of all monuments, markers and benchmarks. Benchmarks shall be stamped with the letters "BM" and the elevation of the benchmark.

A. Monuments Located Within Streets. Monuments located within streets shall be No. 5 rebar steel, thirty-six (36) inches or longer in length, placed so that their tops are six (6) inches below the final street surface. When a street is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction and monuments set after paving or surfacing shall also be provided with sturdy monument boxes.

B. Setting by Standard Construction Techniques. All monuments, markers and benchmarks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the Board of County Commissioners.

Section 7-406 Standards for Public Sites and Open Space.

A. Dedication of Public Land. The Board of County Commissioners shall require reservation or dedication of public sites and open space for schools and parks that are reasonably necessary to serve the residents of the proposed subdivision and future residents. In lieu of a dedication of sites and land areas, the Board may require payment of a sum of money not exceeding the full market value of such sites and land areas, or a combination of land dedication and payment in lieu of dedication.

B. Final Plat Requirements.

1. All dedicated lands shall be designated on the final plat and deeded to [*County*] or the appropriate agency at the time of recordation of the final plat.
2. Title insurance, provided by a title insurance company authorized to do business in the State of Colorado and acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.
3. A certificate of representations and warranties concerning title and usability of the property, in a form acceptable to the Board of County Commissioners, shall be required at the time of recordation

of the final plat.

C. Amount of Public Land Dedicated. The proportion of land to be reserved or dedicated for public sites and open space shall be based upon the size, location and characteristics of the proposed subdivision, the current and likely future uses of the surrounding area, and the impact of the subdivision on public services and facilities. The amount of land dedicated for public purposes shall be roughly proportionate to the impacts of the subdivision.

- 1. Road Dedications.** The following road dedications shall be required for development.
 - a.** Unless specifically approved as private rights-of-way and so designated on the final plat, all roads, streets, alleys or other public traffic ways located within the subdivision and benefiting current or future residents of the subdivision shall be dedicated as public rights-of-way.
 - b.** Land for rights-of-way for perimeter streets and roads shall be dedicated to [*County*].
 - c.** When, due to topography, hazards or other design constraints, additional road width is necessary to provide for the public safety by cut and/or fill area, drainage area, or other road appurtenances along roadways, then dedication or right-of way in excess of the minimum standards set forth in these Regulations shall be required.
- 2. Park Dedication.** The following considerations shall be applied in determining which land areas are appropriate for dedication as parks.
 - a. Continuity.** The continuity of open space links, trails, and other major components of the recreation system.
 - b. Compliance with [*Comprehensive Plan/Master Plan*] and Intergovernmental Agreements.** Compliance with applicable provisions of the [*Comprehensive Plan/Master Plan*] and intergovernmental agreements with adjoining municipalities.
 - c. Suitability.** The suitability of proposed land dedications for

park, recreation and open space needs. Considerations shall include site conditions such as size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access, and the availability of water to lands proposed for park and recreation uses.

- d. **Protection of Unique Site Features and Natural Resources.** Protection of natural and historical features, scenic vistas, watersheds, air quality, timber and wildlife.
 - e. **Trail ROW Conforms With Standards.** Park lands intended to be used for trail rights-of way shall conform to the standards in Section 7-308, *Trail and Walkway Standards*.
 - f. **Land Set Asides Pursuant to Requirements for PUD, Conservation Subdivision, and Rural Land Use Process.** Unless otherwise provided by these Regulations, park land shall not be considered as part of the land set aside for open space or agricultural preservation required for PUD's, conservation subdivisions, and rural land use cluster development.
3. **School Dedications.** For property located in the [*school district*], the subdivision of land for residential use shall include reservation and dedication of sites and land areas for schools determined to be reasonably necessary to serve the proposed subdivision and future residents.

Example: Formula for Land Dedication Standard.

- a. **Formula for Land Dedication Standard.**
*Land Area Provided Per Student x
Students Generated Per Dwelling Unit =
Land Dedication Standard.*

- (1) **Land Area Provided Per Student.** *The District has determined that 1,776 square feet of land per student shall be provided for future school sites, based on the following considerations.*

Section 7-406 Standards for Public Sites and Open Space

	<i>Reasonable Capacity</i>	<i>Recommended Acreage</i>
<i>Elementary School</i>	<i>550 students</i>	<i>15.5 acres</i>
<i>Middle School</i>	<i>600 students</i>	<i>26.0 acres</i>
<i>High School</i>	<i>800 students</i>	<i>38.0 acres</i>
<i>Total</i>	<i>1950 students</i>	<i>79.5 acres</i>
<i>Total Acres Per Student</i>		<i>0.04077 acres</i>
<i>Total Square Feet Per Student</i>		<i>1,776 square feet</i>
NOTES:		
1. "Recommended Acreage" for school sites is based on the recommendations contained in the Guide for Planning Educational Facilities, published in 1991 by the Council of Education Facility Planners International.		

- (2) ***Students Generated Per Dwelling Unit.*** The number of students generated per type of dwelling unit shall be based on the following:

<i>Single Family</i>	<i>0.49</i>
<i>Multi-Family</i>	<i>0.38</i>
<i>Mobile Home</i>	<i>0.71</i>

- (3) ***Land Dedication Standard.*** Application of the Formula for Land Dedication Standard results in the Land Dedication Standards:

<i>Single Family</i>	<i>870 sq. ft. per unit, or .020 acres</i>
<i>Multi-Family</i>	<i>675 sq. ft. per unit, or .015 acres</i>
<i>Mobile Home</i>	<i>1,261 sq. ft. per unit, or .029 acres</i>

- b. **Alternatives to Land Dedication for Schools.** If dedication of all or portions of the required school lands is not deemed feasible or in the public interest, the school district may recommend to the Board of County Commissioners one of the following options:

- (1) **Guarantee of future land dedication.** The applicant shall submit a letter guaranteeing future dedication of land for school sites and proposing a method of guarantee acceptable to the Board of County

Commissioners or the receiving agency.

- (2) **Cash-In-Lieu Payment.** Payment of cash in lieu of dedication of land, in accordance with the provisions of Section 7-406 D, *Payment In Lieu of Dedication of Public Sites*.

D. Payment In Lieu of Dedication of Public Sites. The Board of County Commissioners, based upon recommendation from the potential receiving body, may accept a cash payment from the applicant in lieu of dedicated land, in whole or part.

1. **Based Upon Market Value.** Payment shall be based on the [market value of the land, determined after completion of the platting process OR unimproved market value of land].
2. **Not to Exceed Market Value.** Payment of cash in lieu of dedicated land shall not exceed the current market value of the land that would have been dedicated to the County or other public entity.
 - a. If a combination of land dedication and cash-in-lieu of dedication is applied, the combination of both land dedication and cash in lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.
3. **Minimum Cash-In-Lieu.** Minimum payment of cash-in-lieu shall be [\$500.00] for any required dedication.
4. **Cash-In-Lieu Payment for Schools.** Based upon the [School District's] recommendation, the Board can require a cash payment in-lieu of dedicating land, or a cash payment in combination with a land dedication, to comply with the requirements for public sites and open space set forth in these Regulations.

Example: formula for Cash-In-Lieu Payment.

- a. **Formula for Cash-In-Lieu Payment.**
*Unimproved Per Acre Market Value of Land x
Land Dedication Standard x
Number of Units =
Cash-In-Lieu Payment*

- (1) ***Unimproved Market Value of Land.*** *Unimproved market value of the land shall be determined by an appraisal performed within the last 24 months for the applicant, by an individual qualified in the State of Colorado to establish the unimproved market value of the property just prior to the approval of a Final Plat. Any dispute of the market value would be based upon a separate appraisal by an individual qualified in the State of Colorado to establish the value, paid for by the School District.*
 - (2) ***Land Dedication Standard.*** *The Land Dedication Standard set forth in Section 7-406 C, above.*
 - (3) ***Number of Units.*** *The number of dwelling units proposed.*
- 5. **Payments Held in Escrow.** Cash payments received by the Board in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by Section 30-28-133, C.R.S.
- 6. **Release of Land or Cash.** After final plat approval and receipt of dedications, the Board of County Commissioners shall give written notification to the appropriate receiving body.
 - a. Following notice by the Board, the receiving body may request the dedication, and the Board shall transfer the lands to the appropriate receiving body.
 - b. For a school or park site, if the receiving body determines upon completion of platting that there is no longer a need for the dedicated land, they may request that the land be sold.
 - c. Funds may be released to the appropriate receiving body if the Board finds that the proposed use of funds is compatible with the intent of the cash-in-lieu payment or sale of the land.
 - d. The County shall retain a reasonable management fee for the holding and maintenance of escrow accounts for cash-in-lieu payments, provided that the management fee does not exceed the amount of interest generated by the account.

DIVISION 5 EXEMPT SUBDIVISION

Section 7-501 Basic Subdivision Exemption Criteria. The following basic subdivision exemption criteria shall apply to *all* proposed subdivision exemptions.

A. Not Within the Purposes of Subdivision Statutes or This Land Use Code. The division of land created by the exempt subdivision process is not within the purposes of the state subdivision statutes or the subdivision regulations of this Land Use Code.

B. Compliance With Land Use Regulations. The development and use of parcels created through the exempt subdivision process complies with the land use regulations and applicable standards of this Code.

C. Adequate Water Supply. The lots created by the land division have a legal, adequate and dependable potable water supply, in compliance with the requirements of this Land Use Code set forth in Section 7-104, *Adequate, Reliable Safe Water Supply*.

D. Adequate Water Distribution and Wastewater Disposal System. The lots created by the land division have an adequate water distribution system and wastewater disposal system in compliance with the requirements of this Land Use Code set forth in Section 7-105, *Adequate Water Distribution and Wastewater Systems*.

E. Adequate Access. The lots created by the land division have legal and adequate access in compliance with the requirements of this Land Use Code set forth in Section 7-107, *Access and Roadways*.

F. Hazards. The land division does not create hazards identified in Section 7-210 and Section 7-211, or exacerbate existing hazards.

G. No Significant Impact on Environmental Features. The proposed use and development of the building lots shall minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, scenic views, vegetative cover, climatology and other identified environmental features.

1. The proposed use will not have a significant adverse impact on plant or wildlife habitat, migration corridors, or sensitive and unique plant or wildlife ecosystems as identified in the [*Comprehensive*

Plan/Master Plan] or identifiable on or near the site.

2. The proposed use will not have a significant adverse impact on wetland areas identified in the [Comprehensive Plan/Master Plan], or identifiable on or near the site, or alter drainage patterns from historic levels. Runoff and erosion from the development will not have a significant adverse impact on the character of the wetland.

H. Suitability to Land and Character of Neighborhood. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands.

I. Compliance with [Comprehensive Plan/Master Plan] and Intergovernmental Agreements. The proposed subdivision exemption is consistent with applicable provisions of the [County Comprehensive Plan/Master Plan] and any intergovernmental agreements between the County and a municipality that apply to the area where the division of land will occur.

Section 7-502 Additional Criteria for Boundary and Lot Line Revision or Correction.

A. Division Does Not Increase Number of Parcels. The division of land creates no more than the previously recorded number of parcels.

B. Criteria for Approval If a Municipal Boundary is Affected. If the request affects a municipal boundary, and the municipality's comprehensive or master plan lacks specific guidance to approve a request for boundary line revision, the Board of County Commissioners must find the following exist:

1. **Need for Boundary/Lot Line Revision.** There has been substantial change in the vicinity of the property in question or time and experience have shown that the existing boundary or lot line is unwise or in need of change.
2. **Adequate Public Facilities and Utilities Exist to Accommodate the Land Use.** There are adequate transportation, recreation, education, utility, and other facilities to accommodate the potential uses allowed in the requested boundary or lot line amendment area. If not, there are adopted plans to extend necessary services and facilities in the requested boundary amendment area.
3. **No Negative Impact from Boundary/Lot Line Revision.** The

Section 7-503 Additional Criteria for Condominium and Townhouse Plats

impact of the boundary or lot line revision request on the immediate neighborhood, vicinity and community as a whole will be positive.

Section 7-503 Additional Criteria for Condominium and Townhouse Plats.

A. Consistent with Approved Site Plan or Final Plat. The proposed plat is consistent with the approved site plan or subdivision final plat.

B. Consistent with Zone District Regulations.

1. The total common area and individual lot area of the whole project, divided by the total number of units, meets the minimum lot size requirements of the overlying zoning district.
2. A project within a PUD complies with the zoning outlined in the PUD designations.

C. Maintenance of Common Areas. If applicable, the condominium or townhouse declaration and bylaws make adequate provision for the maintenance of common area elements.

D. Improvements Agreement and Financial Guarantee. An Improvements Agreement has been signed and submitted by the applicant, and an adequate financial guarantee for improvements has been posted or will be posted prior to approval of the condominium or townhouse plat.

Section 7-504 Additional Criteria for Correction Plats.

A. Correct Technical Errors. The correction is necessary to correct technical errors in the approved and recorded final plat.

B. Plat Complies with Code. The correction results in a plat which complies with all applicable requirements of the Land Use Code.

C. Consistent with Approved Site Plan or Final Plat. The proposed plat is consistent with the approved site plan or subdivision final plat.

Section 7-505 Additional Criteria for Large-Lot Land Division.

A. Access Drive Easement. For all parcels not adjoining a County-maintained public street or road, an access drive easement not less than thirty

(30) feet in width shall be designated and bearings and dimensions given between the parcel and a public road or street.

B. County Not Responsible for Construction and Maintenance of Access Drives. The plat or plan shall include a plat note or statement by which the buyer acknowledges the County is not responsible for construction, acceptance or maintenance of access drives or roads or streets indicated on the exemption plat or map.

DIVISION 6 CLUSTER SUBDIVISION EXEMPTION STANDARDS

Section 7-601 Basic Standards for Cluster Subdivision Exemption.

Land use change proposing cluster development pursuant to the Rural Land Use process or Conservation Subdivision process shall comply with the following standards.

A. Preservation of Rural Character and Agricultural Land. Proposed division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of the area.

1. Ten (10) or fewer lots per cluster shall be considered rural in character. If more than ten (10) lots are proposed, applicant shall demonstrate that the rural character of the area can be maintained, including the cumulative impact of development on adjacent properties and visibility from public rights-of-way can be mitigated.
2. Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land.
3. Proposed division and development of the land reserves commercially viable enclaves of large scale agricultural operations.
4. Proposed division and development of the land protects areas of irrigated hay meadow, especially those that connect with and/or are adjacent to other irrigated meadows.
 - a. Adequate water supply shall be reserved to ensure continued irrigation. Such decreed water rights shall not be severed from the land.

- b.** Adequate water supply shall be reserved to continue the historic application of water to the Remainder Parcel.
- 5.** Proposed division and development of the land protects upland grazing areas needed for agricultural uses.
- 6.** To the extent practicable, proposed division and development of the land avoids crossing and dividing irrigated lands with roads, fences, development and utilities.
- 7.** Adequately sized and appropriately placed culverts are provided when crossing agricultural ditches.

B. Site Design.

- 1.** Building lots and building envelopes shall be sited and sized to minimize impact on agricultural land use.
- 2.** Building lots and building envelopes shall be sited and sized to minimize the impact on any environmental or open space resource areas on the property.
- 3.** Building lots and building envelopes shall be sited and sized to minimize visual impacts.
 - a.** Topographic breaks are used to shield building envelopes and roads from view and minimize negative visual impact from public rights-of-way. To the extent practicable, landscape or landscaping treatments shall be used to minimize visual impacts.
 - b.** Building lots and building envelopes are sited in a manner that avoids long, uninterrupted rows of houses lining major roadways.
 - c.** Building lots and building envelopes are sited in a manner that keeps structures off of highly visible places. Height of structures shall be limited so the structures will not project into the skyline when viewed from public roads.
- 4.** Sites selected for development are appropriately scaled for the type of proposed development without major alterations to the natural

landscape.

5. Sites shall be developed so that healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are reserved and integrated within the overall plan.
6. Building lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.

C. Conservation Area / Remainder Parcel Standards. The Remainder Parcel comprises the conservation areas, and shall include natural areas, floodplains, and all or part of the following: aquifer recharge areas; significant wildlife habitat and migration corridors; unique vegetation and critical plant communities; prime farm and ranch land; historic archaeological or cultural features; and ridgelines and scenic view corridors. The conservation area shall also include buffers around natural areas to the extent necessary to protect the relevant resource as determined by staff.

1. The Remainder Parcel shall be located on the property to maximize the preservation of open space, including but not limited to agricultural areas, existing trees and vegetation, wildlife habitat and sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
2. To the extent feasible given the topography and features of the property, the property to be reserved as conservation area is contained in contiguous parcels and is not bisected by the proposed development.
3. To the extent possible, Remainder Parcels shall be located so that they are nearby or are adjacent to other agricultural lands, other Remainder Parcels, conservation easements, public open lands, and natural resource areas.
4. To the extent practicable, roadways and utilities shall be positioned in a manner to avoid traversing or significantly damaging the qualities of the Remainder Parcel.
5. The Remainder Parcel(s) shall have physically feasible, legal access to public roads that is appropriate to the likely uses of the parcel.

6. Density Bonus.

- a.** Minimum 100 acres, contiguous, is required for a Remainder Parcel which may be used to support the Density Bonus.
 - (1)** If contiguity of Remainder Parcel is broken by a significant natural feature, topographic break, river, lake or other physical boundary such as roads or railroads, smaller Remainder Parcels totaling 100 acres or more collectively may be considered in calculating the Density Bonus.
- b.** One (1) building envelope per single Remainder Parcel shall be allowed.
 - (1)** Dwelling units shall be located within residential building envelopes. The acreage contained in the residential building envelope shall not be counted towards the Density Bonus.
- c.** *All* Remainder Parcels qualifying for the Density Bonus shall be held under a single owner.
- d.** Areas set aside for trail easements and peripheral roads may be considered part of the Remainder Parcel.
- e.** The following areas shall not be counted towards the Density Bonus:
 - (1)** Areas shown as road easements or rights-of-way shall not be counted towards the Density Bonus.
 - (2)** Land subject to a pre-existing agreement prohibiting development shall not be counted towards the Density Bonus.
 - (3)** Land used for paid commercial recreational activities shall not be counted towards the Density Bonus.
 - (4)** Any residential building envelopes within Remainder Parcels shall not be counted towards the Density Bonus.

D. Roads, Water and Wastewater Services. Roads, water and wastewater services shall be adequate to serve the proposed subdivision and shall conform with state and local regulations.

1. The transportation design is appropriate, given existing and planned capacities of the system.
2. Minimum lot size of 5 acres shall be required for lots supporting both wells and septic system. Lots shall be sized according to state and local standards and meet all location standards.
3. All sanitation systems and domestic water wells shall be placed within the designated lot or within the building envelope on the Remainder Parcel.
4. Water and sewer facilities shall be located so that they do not traverse or significantly damage the qualities of the Remainder Parcel.
5. If a central sewer system is proposed, the system shall be designed and constructed to ensure that it is adequately sized to accommodate the development at build-out.
6. If a public water system is proposed, the quality, quantity and dependability of the available water supply is adequate to serve the development.

E. Eligible Parcels. The Rural Land Use process or the Conservation Subdivision process may be used to create a cluster subdivision development on a parcel of land 70 acres or more in any unincorporated area of the County.

F. Clustered Development. Buildable lots and building envelopes shall be clustered to the extent practicable, and so as not to detract from development on surrounding properties and the natural characteristics of the parcel. The lots shall be clustered to make efficient use of land resources and infrastructure.

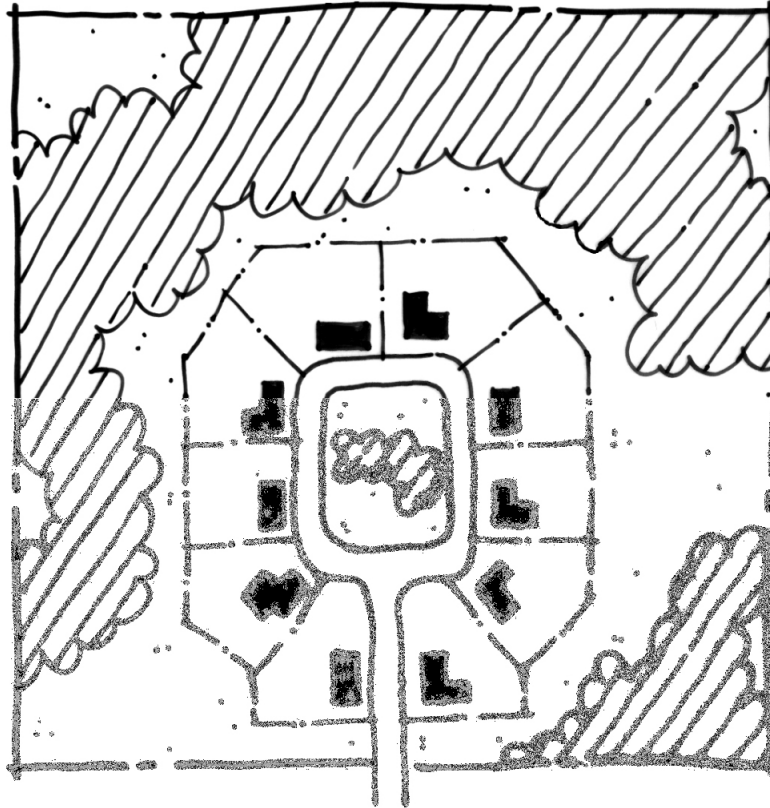


Figure 7-601 F, Cluster Development

Section 7-602 Rural Land Use Cluster Development Standards.

- A. Residential Land Use.** The proposed division of land shall be for single-family dwelling use only.
- B. Conservation Area.** Two-thirds ($\frac{2}{3}$) of the total area of the tract or tracts shall be preserved as contiguous open space to be used as wildlife habitat, grazing land, critical natural areas or similar uses, for at least forty (40) years from the date the plan is approved.
- C. Density.** The residential density shall not exceed two (2) residential units for every thirty-five (35) acres or one residential unit for each seventeen and one half ($17\frac{1}{2}$) acre increment.
- D. Ratio of Wells to Lots.** Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty-five (35) acres within the cluster development unless a water augmentation plan is approved.

One well shall be allowed per residential lot in accordance with Section 30-28-404, C.R.S.

Section 7-603 Conservation Subdivision Development Standards.

A. Conservation Area. Two-thirds (2/3) of the total area of the tract or tracts shall be preserved as contiguous open space to be used as wildlife habitat, grazing land, critical natural areas or similar uses. Further development and subdivision of the subject property shall be restricted so that the maximum number of building lots allowed shall not exceed the number approved through the Conservation Subdivision process.

DIVISION 7 STANDARDS FOR OVERLAY DISTRICTS

Section 7-701 Additional Standards Within Floodplain Overlay. In addition to applicable use requirements of the underlying zone district, the following standards shall apply to land use change within the Floodplain Overlay, including division of land.

A. Basic Approval Standards.

- 1. Compliance With Regulations.** The proposed land use complies with the Floodplain Overlay District regulations and applicable regulations for land use in the underlying zone district, and does not otherwise violate the purposes and intent of these Floodplain Overlay District regulations.
- 2. Compliance with Other Permit and Approval Requirements.**
 - a.** All necessary permits and approvals shall be obtained from local, state and federal agencies, including Section 404 permit requirements of the Federal Water Pollution Control Act.
- 3. Suitability of Land Use.** The proposed land use is suitable for the site, with consideration to the specific existing flood hazard.
- 4. Cumulative Effect Does Not Increase Water Surface Elevation.** The cumulative effect of the proposed land use, when combined with all other existing and anticipated land use, shall not increase the water surface elevation of the base flood more than [one foot]

at any point.

5. **No Danger to Public.** The proposed land use shall not cause danger to persons upstream, downstream and in the immediate vicinity.
6. **No Change in Flood-Carrying Capacity.** The proposed land use would not result in any increase in flood levels during the occurrence of the base flood discharge.
 - a. The proposal shall include maintenance within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.

B. Basic Design and Construction Standards.

1. **New Construction Anchored.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.
2. **Service Facilities.** Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. **Materials and Methods of Construction.** All new construction or substantial improvements shall be constructed with materials resistant to flood damage and utilizing construction methods and practices that minimize flood damage.
4. **Water Supply Systems.** New and replacement water supply systems within floodplain overlay areas shall be designed to minimize or eliminate infiltration of flood waters into the systems.
5. **Sanitary Sewage Systems.** New and replacement sanitary sewage systems within floodplain overlay areas shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site sanitary waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Flood Fringe Use Standards.

1. Residential.

- a.** Any residential structure or use, whether fixed or mobile, designed for human occupancy shall be constructed, located or improved so that any external wall shall not be less than fifteen (15) feet from the stream side of the flood fringe.
- b.** The lowest floor, including the basement, of any residential structure shall be elevated not less than one (1) foot above the maximum base flood elevation. The lowest adjacent grade surrounding the structure shall be filled to at least the base flood elevation, compacted with slopes and protected by vegetated cover.
- c.** The lowest interior grade, including crawl spaces, shall not be lower than the lowest adjacent grade.

2. Nonresidential.

- a.** Any nonresidential structure or use, and accessory structures not intended for human occupancy, shall be constructed, located or improved so that any external wall shall not be less than fifteen (15) feet from the stream side of the flood fringe.
- b.** Any nonresidential structure shall either have the lowest floor, including the basement, elevated not less than one (1) foot above the maximum base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - (1)** Be flood-proofed so that below the base flood elevation the structure is water tight with walls substantially impermeable to the passage of water; and
 - (2)** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- MODEL COUNTY LAND USE CODE**
November 2008

Section 7-701 Additional Standards Within Floodplain Overlay

square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one (1) foot above grade.

(2) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured Home Standards. The following standards shall apply to all manufactured homes currently located within the Floodplain Overlay District.

1. **Anchors.** Use of existing manufactured homes within the Floodway, the Flood Fringe and/or a Flood-prone Area may be continued as a nonconforming use provided, however, that any manufactured home located within the Floodway, the Flood Fringe and/or a Flood-prone area shall be anchored to resist flotation, collapse or lateral movement in the event of flooding by providing over-the-top and frame ties to ground anchors.
 - a. **Over-the-Top Ties.** Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations. Manufactured homes less than fifty (50) feet long shall require one additional tie per side.
 - b. **Frame Ties.** Frame ties shall be provided at each corner of the manufactured home with five additional ties per side at intermediate points. Manufactured homes less than fifty (50) feet long shall require four additional ties per side.
 - c. **Anchoring System Capacity.** All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
2. **Lowest Floor Above the BFE.** All newly installed manufactured homes and those to be substantially improved shall be elevated on a permanent foundation by which the lowest floor of the manufactured home is two (2) feet above the base flood elevation.

3. **New Manufactured Home Parks or Expansion of Existing Manufactured Home Parks.** Development of new manufactured home parks, expansion of an existing manufactured home park, placement of any manufactured home outside an existing manufactured home park within the Floodway, Flood Fringe or Flood-prone Area shall be prohibited.

OR, if manufactured homes are to be an allowed use in Floodplain Overlay:

D. Manufactured Home Standards. All manufactured homes proposed to be located or substantially improved within the Floodplain Overlay shall be elevated and anchored to resist flotation, collapse or lateral movement in the event of flooding.

1. **Anchoring.** Methods of anchoring shall include use of over-the-top and frame ties to ground anchors. These requirements are in addition to the applicable state anchoring requirements for wind resistance.
 - a. **Over-the-Top Ties.** Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations. Manufactured homes less than fifty (50) feet long shall require one additional tie per side.
 - b. **Frame Ties.** Frame ties shall be provided at each corner of the manufactured home with five additional ties per side at intermediate points. Manufactured homes less than fifty (50) feet long shall require four additional ties per side.
 - c. **Anchoring System Capacity.** All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
2. **Elevation.**
 - a. The lowest floor of the manufactured home shall be elevated on a permanent foundation by which the lowest floor is elevated to a minimum of two (2) feet above the base flood elevation.
 - b. The manufactured home chassis is supported by reinforced piers, or other foundation elements of at least equivalent

Section 7-701 Additional Standards Within Floodplain Overlay

strength, that are no less than thirty-six (36) inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. **Lowest Floor Above the BFE.** All new manufactured homes and those to be substantially improved shall be elevated on a permanent foundation by which the lowest floor of the manufactured home is one (1) foot above the base flood elevation.

E. Recreation Vehicle Standards. Recreational vehicles placed on sites located in the Floodplain Overlay shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.

Section 7-702 Additional Standards Within View Protection Overlay.

The following standards shall apply to all land use changes within the view protection overlay, including division of land, subject to permit review by this Code.

A. Location of Development to Minimize Visual Impact. Development shall be located in such a manner that minimizes the visual impact of associated structures along the skyline at the crest of the ridge from an established view corridor identified in the [*Comprehensive Plan/Master Plan*].

Section 7-703 Additional Standards Within Watershed Protection

Overlay. The following standards shall apply to all land use changes within the watershed protection overlay, including division of land, subject to permit review by this Code.

A. Performance Guaranty Required. In addition to any other security that may be required, a performance guaranty letter of credit or other security in a form acceptable to the permit authority shall be posted before any permit is issued in an amount sufficient to cover the full cost of restoring or mitigating any negative impacts to the watershed or aquatic environment caused during construction. The security shall be released upon a finding by the permit authority that: (i) construction is completed, and (ii) the post-construction watershed or aquatic environment is restored to the same quality as pre-construction conditions.

Section 7-703 Additional Standards Within Watershed Protection Overlay

B. Increase in Pollution Prohibited. All non-point and point sources of pollutants caused or associated with the activity shall not result in any measurable increase in pollution, as measured at the point of compliance established by the County, over the existing water quality in any waterbody affected by the activity.

C. Drainage Alterations Prohibited. Any alteration to water drainage courses shall be prohibited that increases or decreases rates of stream flow, increases sediment deposition, causes erosion to stream banks, results in increases or decreases of temperature, or otherwise causes injury to the aquatic environment. Impervious areas are prohibited within seventy-five (75) feet of intermittent streams and one hundred (100) feet of perennial streams.

D. Timbering Prohibited. Any timber harvesting, other than to clear trees for structures, roads or driveways, or to protect the health of the forest ecosystem, shall be prohibited.

E. Damage to Waterworks Prohibited. Any activity causing impairment or damage to publicly-owned waterworks shall be prohibited.

F. Construction in Waterbodies Prohibited. Construction, other than allowed streambank reinforcement or repair, water diversion placement or repair, or stream crossings, within any waters in the watershed district shall be prohibited.

G. Storage of Hazardous Materials Prohibited. No pesticides, petroleum products, or other substances that have the potential to degrade water quality, shall be stored within one hundred (100) horizontal feet of any waterbody. No sand and salt for road de-icing shall be stored within one hundred (100) horizontal feet of any waterbody. Open storage of fertilizers within one hundred (100) horizontal feet of the waterbody is also prohibited.

Section 7-704 Additional Standards Within Airport/Heliport Influence Area Overlay.

A. Avigation and Hazard Easement. An Avigation and Hazard Easement allowing unobstructed passage for aircraft and ensuring safety and use of the airport for the public shall be provided and dedicated to the [*Airport Sponsor*]. Refer to Section 4-801 for an example of the required easement.

Section 7-704 Additional Standards Within Airport/Heliport Influence Area Overlay

1. The Avigation and Hazard Easement shall be recorded in the office of the [County] Clerk and Recorder.
2. Applicant shall provide a copy of the recorded instrument prior to issuance of a building permit.

B. Declaration of Anticipated Noise Levels. A declaration of anticipated noise levels shall be provided for any proposed land use change, including division of land, or building permit application for property located within Noise Impact Area boundaries.

1. In areas where the noise level is anticipated to be at or above 55 Ldn, for construction of a noise sensitive land use such as hotel/motel, school, church, hospital, public library or similar use, the applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

C. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport/heliport and aircraft.

1. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay shall be coordinated with the Board of County Commissioners and the FAA prior to approval.
2. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within ninety (90) calendar days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

D. Outdoor Lighting. Lighting other than that associated with airport/heliport operations shall comply with the following standards.

1. Lighting shall not project directly onto an existing heliport, runway or taxiway or into existing Airport Approach Surfaces.

Section 7-704 Additional Standards Within Airport/Heliport Influence Area Overlay

2. Lighting shall incorporate shielding to reflect light away from Airport Approach Surfaces.
3. Lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airport/heliport lighting and other lighting.

E. Use of Reflective Materials Prohibited. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.

F. Industrial Emissions That Obscure Visibility Prohibited. No development shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within Airport Approach Surfaces.

G. Height Restrictions. When height restrictions of the underlying zone district are more restrictive than those of the overlay district, the underlying zone district height limitations shall control.

H. Restrictions on Penetration of Development Into Imaginary Surface Area. No structure or tree, plant or other object of natural growth shall penetrate an Imaginary Surface except as follows:

1. For areas within airport/heliport Imaginary Surfaces but outside the Approach and Transition Surfaces, where the terrain is at higher elevations than the airport runway/heliport surfaces such that existing structures and allowed development penetrate or would penetrate the Airport Imaginary Surface, structures up to thirty-five (35) feet in height may be allowed.
2. Written agreement by the [*Airport Sponsor*] and the FAA shall be provided for other height exceptions requested.

I. Wetland Construction, Enhancement, Restoration or Mitigation. Wetland construction, enhancement, restoration or mitigation projects within the overlay district shall be subject to review under the Major Impact Review process.

1. Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or Approach Surfaces.

Section 7-704 Additional Standards Within Airport/Heliport Influence Area Overlay

2. Wetlands projects that create, enhance or restore wetlands that are proposed to be located within the overlay district and that would result in the creation of a new water impoundment or expansion of an existing water impoundment shall demonstrate the following.
 - a. Off-site mitigation is not practicable; or
 - b. The wetlands project involves existing wetland areas regulated under the overlay district that have not been associated with attracting problematic wildlife to the airport/heliport vicinity; or
 - c. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge.
 - c. The resulting wetlands are designed, and shall be maintained in perpetuity, in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
 - c. The proposed wetland project shall be coordinated with the Airport Sponsor, the Board, the FAA and FAA's technical representative, the Colorado Department of Fish & Wildlife (ODFW), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

DIVISION 8 ADDITIONAL USE STANDARDS

Section 7-801 Additional Standards Applicable to Accessory Batch Plant. The use must comply with all applicable local, state and federal laws and permits.

Section 7-802 Additional Standards Applicable to Accessory Dwelling Unit.

A. Use Subordinate to Primary Dwelling Unit. An Accessory Dwelling Unit shall be secondary and subordinate to the primary dwelling unit, and accessory to the principal use of the property.

B. Prohibited as Accessory to Multi-Family Dwelling Units. An Accessory Dwelling Unit shall not be allowed in conjunction with duplex or multi-family units.

C. Adequate Utilities Required. The Accessory Dwelling Unit shall be served by adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads.

D. Parking. The following parking requirements shall apply to all Accessory Dwelling Units and are in addition to the number of parking spaces required for the primary use.

- | | | |
|-----------|--|-------------------------|
| a. | Studio or one-bedroom
Accessory Dwelling Unit | 1 parking space |
| b. | Two or more bedroom
Accessory Dwelling Unit | 1 parking space/bedroom |

E. Compliance with Covenants and Restrictions. The Accessory Dwelling Unit shall comply with applicable covenants and restrictions, or shall be approved by the homeowner's association.

F. Compliance with Covenants and HOA Approval Requirements. The Accessory Dwelling Unit shall be allowed by Covenants or approved by the Home Owner's Association, as applicable.

G. Occupancy Restriction. Occupancy of Accessory Dwelling Unit shall be restricted to a leasehold interest in the dwelling unit.

1. An Accessory Dwelling Unit shall not be condominiumized or sold separately from the principal use of the property.
2. Short term rental (less than *fourteen (14) days*) of the accessory dwelling unit is prohibited.

H. Compliance with Land Use Code and Building Code Requirements. Construction shall comply with the standards set forth in this Code and with Building Code requirements.

I. Location with Respect to Principal Structure.

Section 7-802 Additional Standards Applicable to Accessory Dwelling Unit

1. An Accessory Dwelling Unit may be detached from the structure housing the principal use provided it is closely clustered with the principal structure.
2. In the Resource Zone District, an Accessory Dwelling Unit may be located where appropriate for the agricultural operation with which it is associated.

J. Entrance to Accessory Dwelling Unit. A separate entrance to the Accessory Dwelling Unit is allowed, but only one entrance shall be visible from the front property line.

Section 7-803 Additional Standards Applicable to Accessory Outdoor Storage

1. Accessory outdoor storage shall comply with the applicable standards set forth in Article 7, Section 7-822, *Additional Standards Applicable to Storage Areas and Facilities*.
2. Unless otherwise provided in these Regulations, the area of placement for Accessory Outdoor Storage shall not exceed five percent (5%) of the lot area.
3. Accessory outdoor storage of agricultural products and operable agricultural equipment is exempt from the requirements of this Section.

Section 7-804 Additional Standards Applicable to Airports and Heliports.

A. Airports. Airports shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners, complying with FAA Advisory Circular 150/5300-13 and the current *Northwest Mountain Region Airport Layout Plan Checklist* with the exception that aircraft tiedown dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.

B. Landing Strips. Landing Strips shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners, complying with FAA Advisory Circular 150/5300-13 with the

Section 7-804 Additional Standards Applicable to Airports and Heliports

exception that aircraft tiedown dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.

C. Heliports/Helistops. Heliports and helistops shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners, complying with FAA Advisory Circular 150/5390-2.

Section 7-805 Additional Standards Applicable to Aircraft Landing Strip or Helistop, Privately Owned.

A. Basic Requirements.

1. Privately owned aircraft landing strips or helistops shall comply with the applicable development standards set forth in this Code, and with the standards for landing strips and heliports/helistops set forth in Sections 7-804 B and 7-804 C.
2. Privately owned landing strips and helistops shall be restricted to use by aircraft and helicopters belonging to the owner(s) and their invitees.
3. No more than five fixed- or rotary-wing aircraft shall be accommodated at each such facility at any one time.
4. Refueling or maintenance of transient aircraft shall be prohibited unless essential to permit the aircraft to fly to the nearest airport or heliport.

Section 7-806 Additional Standards Applicable to Broadcasting Studio.

A. FCC and FAA Approval. The Communication Facilities that are part of the Broadcasting Studio operation shall be approved by the FCC and FAA.

B. Compliance with Radio Frequency Emission Requirements. The Communication Facilities that are part of the Broadcasting Studio operation shall comply with radio frequency emission requirements of the FCC.

C. Co-Location Communication Facilities. Co-location of Communication Facilities on-site that are part of the Broadcasting Studio operation shall be encouraged.

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

Section 7-807 Additional Standards Applicable to Campground / Recreational Vehicle (RV) Park. The following standards shall apply to applications for both a new campground/RV park and additions to an existing campground/RV park.

A. Site Improvements.

1. **Access.** The campground / RV park shall have access to a public road.
2. **Drainage.** The campground / RV park shall be located on a well-drained site that is free from stagnant pools of water.
3. **Landscaping.** Landscaping shall be provided in compliance with the requirements of Section 7-305 A1.
 - a. The campground / RV park shall be adequately landscaped to provide a buffer from adjacent uses and roadways, and to prevent erosion.
 - b. A minimum 250 foot landscaped buffer is required for park areas adjacent to private lands.

B. Obstruction of Roadways or Walkways Prohibited. Camping units and recreational vehicles shall not be installed or parked in any manner that any part of the RV or unit would obstruct or block any portion of a roadway or walkway.

C. Minimum Facilities for Campsites and Recreational Vehicle Spaces.

The area devoted to each campsite and recreational vehicle space shall be adequate to accommodate the following facilities:

1. **Picnic Facilities.** Each space shall be provided with a fireplace or fire circle, a picnic table and well-drained, level site.
2. **Parking Space.** Each space shall be provided with one graveled parking space.
3. **Vehicle Barriers.** Adequate barriers shall be provided to confine vehicles to driveways and parking spaces.

D. Easements, Rights-of-Way, Public Open Space and Common Areas

1. **Open Space and Common Areas.** Campgrounds/RV parks shall provide public open space or common areas in an amount of at least ten percent (10%) of the total area of the campground or park
2. **Dedication of Easements, Rights-of-Way, and Public Lands.** Applicants shall submit a warranty deed or file a plat of the site to assure the dedication of all easements and public lands prior to the approval of the Land Use Change Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed or registered professional land surveyor.
3. **Restrictions.** Land to be provided for public and/or private recreational use and/or open space shall not include any area dedicated as a roadway, campsite or RV space, storage area or any area required for setbacks.

E. Driveways. All recreational vehicle spaces shall abut upon a driveway, graded for drainage and maintained in a rut free and dust free condition, which provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be fifteen (15) feet for one-way traffic or twenty-five (25) feet for two-way traffic. No parking shall be allowed on the driveways.

F. Walkways. All campground and park walkways and bicycle paths shall be gravel or hard surfaced. Walkway widths shall not be less than five (5) feet wide and all roadways, walkways and bicycle paths shall be provided with illumination of not less than 25-watt lamps at intervals of not more than one hundred (100) feet.

G. Maintenance. All campsites, RV spaces, open space and common areas shall be maintained in a clean and sanitary condition, free from hazardous and noxious materials, weeds and refuse. The campground/park owner shall be responsible for ensuring compliance.

H. Water Supply and Distribution.

1. **Comply with Standards.** A domestic water supply that is in compliance with the drinking water standards set forth in Section 7-104, *Adequate Reliable Water Supply*, and Section 7-105, *Adequate Water Distribution and Wastewater Systems* of these

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

Regulations shall be provided in each campground/RV park.

- a. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and it shall be the exclusive supply used.
 - b. When a public water supply is not available, a central water supply system may be developed and used if it meets standards of CDPHE.
2. **Located to Avoid Contamination.** Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
3. **Treatment.** The treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.
4. **Connection.** The water supply system shall be connected by pipes to all recreational vehicles, buildings, and other facilities requiring water.
5. **Equipment.** All water piping, fixtures and other equipment shall be located, constructed and maintained in accordance with state and County regulations and requirements.
6. **Pressure.** The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) nor more than eighty (80) psi, under normal operating conditions at service buildings and other locations requiring potable water supply.
7. **Separation.** A minimum horizontal separation of ten (10) feet shall be maintained between all domestic water lines and sewer lines.
8. **Underground Valves.** Underground stop and waste valves shall not be installed on any water service.
9. **Supply.** The water supply shall be capable of supplying fifty (50) gallons per space per day for all spaces lacking individual water connections and one hundred (100) gallons per space per day for all spaces provided with individual water connections.

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

- 10. Individual Water Service Connections.** If facilities for individual water service connections are provided, the following requirements shall apply.
- a. Riser Pipes.** Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of recreational vehicles. Water riser pipes shall extend a minimum of four inches above ground elevation unless recessed in a box or sleeve. The pipe size shall be three-quarter inch.
 - b. Prevent Freezing.** Adequate provisions shall be made to prevent freezing of main service lines, valves and riser pipes.
 - c. Valves.** Valves shall be provided near the outlet of each water service connection. They shall be turned off and outlets capped or plugged when not in use.
 - d. Connection.** The park's water supply system shall be connected by pipes to all recreational vehicles, buildings and other facilities requiring water.
- 11. Water Stations.**
- a. Stations for Recreational Vehicle Area.** Each recreational vehicle parking area shall be provided with one or more easily accessible watering stations for filling water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of back flow and back siphonage.
 - b. Stations for Tent Camping Area.** Each tent camping area shall be provided with at least one individual watering station no more than two hundred (200) feet from any tent camping space. Riser height shall be between thirty (30) inches and thirty-two (32) inches and a splash pad shall be installed around the base.
- I. Sewage Disposal.** An adequate sewage system shall be provided in each recreational vehicle park for the purpose of conveying and disposing of all

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

1. **Sewer Line.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or County regulations and CDPHE design criteria.
2. **Sewage Treatment and/or Discharge.** Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of CDPHE.
3. **Individual Sewer Connections.** If facilities for individual sewer connections are provided, the following requirements shall apply:
 - a. **Sewer Riser Pipe.** The sewer riser pipe shall be a minimum of four inches in diameter, shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer system will approximate a vertical position.
 - b. **Sewer Connection.** The sewer connection shall have a nominal inside diameter of a minimum of three inches and the slope of any portion thereof shall be a minimum of one-eighth (1/8) inch per foot. All joints shall be watertight.
 - c. **Materials.** All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
 - d. **Plugging.** Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.
4. **Solid Wastes.** No liquid wastes from sinks shall be discharged into or allowed to accumulate on the ground surface. The owner shall provide for trash removal on a regular basis.

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

5. **Sewage Treatment and/or Discharge.** Where the sewer lines of the travel trailer parking area are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by CDPHE prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of CDPHE.
- J. **Fire Protection.** Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards. All campgrounds shall be equipped at all times with fire extinguishing equipment in good working order and of such type, size and number and so located as prescribed by the authorizing local fire suppression organization.
- K. **Electrical Distribution and Communication Wiring.**
 1. **Electrical Distribution System.** Each recreational vehicle park shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances thereto which shall be installed and maintained in accordance with state and County regulations. Telephone and cable TV systems may be installed and maintained.
 2. **Approval by Utility.** All plans for the above services shall have the approval of the responsible utility prior to County approval of park plans.
- L. **Service Buildings.** The following standards shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.
 1. **Structural Requirements for Buildings.**
 - a. **Protection.** All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

- b. Sanitary or Laundry Facilities.** All rooms containing sanitary or laundry facilities shall:
- (1) Walls.** Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent waterproof material or be covered with moisture resistant material.
 - (2) Windows.** Have a minimum of one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than ten percent of the floor area served by them. A minimum of one window shall be able to be easily opened, or the room shall have a mechanical device that will adequately ventilate the room.
 - (3) Toilets.** Have toilets locked in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
 - (4) Illumination.** Have illumination levels maintained as follows:
 - (a)** Five foot candles for general seeing tasks.
 - (b)** Forty foot candles for laundry room work area and toilet room in front of mirrors.
 - (5) Hot and Cold Water.** Have hot and cold water furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water furnished to every water closet and urinal.

2. Required Community Sanitary Facilities.

- a. Central Service Building.** A central service building

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parking areas that provide spaces for vehicles and for tent camping areas. Service buildings shall be conveniently located within a radius of approximately three hundred feet to the spaces served.

(1) **Exception.** When a recreational park is designed for and exclusively limited to use by self-contained vehicles, no public sanitary facilities shall be required.

- b. **Sanitary Facilities for Women.** Sanitary facilities for women shall include a minimum of one and one-half flush toilet, one lavatory and one shower for each fifteen recreational vehicle or tent spaces or fractional number thereof.
- c. **Sanitary Facilities for Men.** Sanitary facilities for men shall include a minimum of one flush toilet, one urinal, one lavatory and one shower for each fifteen recreational vehicle or tent spaces or fractional number thereof.
- d. **Recreational Vehicle Park Connected to Resort.** When a recreational vehicle park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule of recreational vehicle spaces and shall be based on the maximum number of people allowed to use such facilities.

M. Refuse Handling. The storage, collection and disposal of refuse in a recreational vehicle park shall be so arranged as to not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at either a municipal or County designated landfill site, at minimum once per week.

N. Pest Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with County regulations and requirements of CDPHE.

Section 7-807 Additional Standards Applicable to
Campground / Recreational Vehicle (RV) Park

O. Pet Control. The owners or managers of a recreational vehicle park, or all owners or persons in charge of any dog, cat or other pest animal shall have such animal on a leash, not exceeding ten feet or shall confine such animals within the space or designated areas within the park and shall not permit such animal to commit any nuisance. Animals are restricted to household pets only.

P. Supervision.

1. **Attendant.** The attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.
2. **Owner Answerable.** The owner shall be answerable for the violation of any provision of these regulations.

Section 7-808 Additional Standards Applicable to Corrections Facility

A. Location Restrictions.

1. **Prohibited in Residential Areas.** No corrections facility shall be located in an area that is predominately residential in character and located within ½ mile of proposed facility. An area in which fifty percent (50%) or more of the property is classified as residential shall be considered predominately residential in character.
2. **Prohibited in Areas Containing Schools.** No corrections facility will be located within ½ mile of any public or private school.

B. Parking Requirements. Off-street parking shall be provided for each employee. A minimum of five (5) extra spaces shall be required.

Section 7-809 Additional Standards Applicable to Day Care Center.
Applicable local, state, and federal permits shall be obtained and maintained.

Section 7-810 Additional Standards Applicable to Group Home Facilities.

A. Location Restrictions

1. **Location Shall Not Create a Concentration of Group Homes in Neighborhood.** A group home facility shall not be located within

three hundred (300) feet of another group home facility.

- a. **Separation by Physical Barrier.** The County may permit two such facilities to be located closer than three hundred feet apart if they are separated by a physical barrier such as an arterial collector, a commercial district, or a topographic feature.

2. **Health, Safety and Welfare of the Community.** The location and operation of the group home facility does not constitute a direct threat to the health, safety or welfare of the community.

B. Overnight Shelter

1. **Parking Requirements.**

- a. One space for each employee or volunteer that may be on the site at any given time computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time; and
- b. One parking space based on the maximum occupancy of sleeping rooms and the dormitory type sleeping areas.

2. **On-site Staffing.** No facility shall be open for use by clients unless there is staff on-site to supervise and oversee the clients.
3. **Waiting Areas.** No person shall allow or permit clients of a facility to queue or otherwise wait for the facility to open or to otherwise be admitted into the facility in the public right-of-way. The facility shall provide an indoor or outdoor waiting area in a size adequate to prevent the anticipated number of clients from queuing into or otherwise waiting in the public right-of-way.

C. Emergency Shelter.

1. **Parking Requirements.**

- a. **Parking for Employees and Volunteers.** One space for each employee or volunteer that may be on the site at any given time computed on the basis of

the estimated maximum number of employees and volunteers on the site at any given time; and

- b. Parking for Residents.** One parking space based on the maximum occupancy of sleeping rooms and the dormitory type sleeping areas.
- c. Parking for Attached Units.** One parking space for each attached dwelling unit.

2 Maximum Occupancy. For emergency shelter facilities that operate with sleeping rooms or with open-air dormitory type sleeping areas, the following occupancy standards shall apply.

- a. Residential Districts.** For a Residential zoning district, the maximum number of residents of the facility shall not exceed six persons for each dwelling unit.
- b. Business Districts.** For a Commercial zoning district, the maximum number of residents of the facility shall not exceed six persons for each dwelling unit. Up to two additional persons per dwelling unit equivalents may be allowed if the property is not adjacent to a Residential zoning district.
- c. Industrial Districts.** For an Industrial zoning district, the maximum number of residents of the facility shall not exceed six persons for each 1,600 square feet of lot area on the site. Up to two additional persons for each 1,600 square feet of lot area on the site may be allowed if the property is not adjacent to a Residential zoning district.

3. Calculating Occupancy. The maximum occupancy for a facility shall include the occupants of facility in addition to the occupants of overnight shelter uses and transitional housing uses that are also located on the property.

D. Transitional Housing.

Section 7-810 Additional Standards Applicable to Group Home Facilities

1. **Parking Requirements.** The facility shall provide one off-street parking space for each dwelling unit on the site.
2. **Density.** The maximum number of dwelling units shall be the same as is allowed within the underlying zoning district. For an Industrial zoning district, the number of dwelling units allowed shall not exceed one dwelling unit for each 1,600 square feet of lot area on the site.

E. Group Home for the Elderly.

1. **Parking Requirements.** The facility shall provide one off-street parking space for each dwelling unit on the site.
2. **Required Federal, State and Local Permits.** Applicable federal, state, and local permits shall be obtained and maintained.

Section 7-811 Additional Standards Applicable to Home Occupation.

A. Home Occupation is Incidental to Residential Use. The primary residence of the person(s) conducting the home occupation activity is located on the property, and all home occupation activities shall remain incidental and secondary to the use of the property for residential purposes.

1. **Maximum 25% of Total Building Square Footage Used for Home Occupation Activity.** The amount of space used for the home occupation activity, including any storage, shall not exceed 25% of the total amount of building square footage contained on the property.
2. **Maximum 50% of an Individual Structure Used for Home Occupation Activity.** The space used for the home occupation activity shall not exceed 50% of any individual structure. This provision does not apply to home day care.

B. Activity Confined to Same Lot as Primary Residence. At all times the home occupation activity shall be located on the same lot as the primary residence of the person conducting the home occupation.

C. Activity Contained Within Closed Building. The home occupation activity shall be contained within a closed building, except for home day care.

Section 7-811 Additional Standards Applicable to Home Occupation

D. Activity Does Not Interfere with Provision of Required Parking for Primary Use. The location of the home occupation shall not interfere with the provision of mandatory parking spaces for that property.

E. Activities Conducted by Persons Residing at Location. All home occupation activities must be conducted by the person(s) who reside at the location. The activity may be supported by no more than one person living off-site, such as an employee, independent contractor, officer, agent, partner, volunteer, or any person serving in any other capacity for the benefit of the home occupation.

F. Activity Does Not Create Nuisance. The home occupation activity shall not result in any objectionable noise, fumes, dust or electrical disturbance.

G. Activity Does Not Increase Traffic Volumes. The home occupation activity shall not result in any increase in traffic volumes in the immediate neighborhood.

H. Storage Meets Code Standards. All storage shall meet the requirements for storage, set forth in Section 7-822, *Additional Standards Applicable to Storage Areas and Facilities*.

I. Pick-Up and Delivery Outside of Dwelling Unit. Any customer pick-up or delivery associated with a home occupation activity must be at a designated point outside of the dwelling unit.

J. Window or Outdoor Display of Goods Prohibited; Retail Sales Prohibited. No home occupation activity may include any window or outdoor display of goods, any stock in trade or any other commodities. No home occupation activity may conduct retail sales on the premises.

K. Signage Must Comply with Sign Regulations of this Code. Any signs advertising a home occupation activity must comply with the regulations for signs, set forth in Section 11-107 of Article 11, *Signs*.

L. Additional Conditions of Approval. The Director may impose any additional conditions of approval to ensure that the home occupation complies with these standards for Home Occupation and the purpose and intent of these Regulations.

Section 7-812 Additional Standards Applicable to Kennel

A. Basic Requirements.

1. **Maximum Occupancy.** Kennel operations shall not exceed 1 dog per acre of land, or a maximum of sixty (60) dogs on a single property, whichever is greater.
2. **Noise.** All kennels shall be enclosed within a building that prevents any sounds in excess of the maximum permissible noise levels for residential zone districts, set forth in Section 25-12-103, C.R.S.
3. **Waste Disposal.**
 - a. **Adequate Disposal System.** Individual sewage disposal system shall be capable of handling all feces and urine waste from the kennel, or the feces and urine waste shall be stored in a sealed container capable of being pumped for disposal by a commercial hauler.
 - b. **Prevention of Surface and Groundwater Contamination.** All liquid and solid wastes shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination.
 - c. **On-Site Disposal Prohibited.** No permanent disposal of any waste shall be allowed on-site.
 - d. **Measures to Protect Health and Safety.** Animal and food wastes, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility and hauled by a commercial hauler to an approved solid waste disposal site.
4. **Special Events.** Special events that attract more than twenty-five (25) participants shall be prohibited on-site unless the proposed special events are well defined as a part of the permitting process and approved as a part of the original permit.

Section 7-813 Additional Standards Applicable to Keeping of Nondomestic Animals. The use shall have and maintain all applicable local, state and federal permits.

Section 7-814 Additional Standards Applicable to Manufactured Home.

A. Certification. All manufactured homes placed in or relocated to a manufactured home park after adoption of this Code shall meet the following certification requirements.

1. The manufactured home shall have certification pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, *et seq.*, as amended).
2. Manufactured homes first occupied in [*County*] after [date] shall have affixed a data plate and heating certificate stating compliance with the following standards.
 - a. The home is designed to comply with federal mobile or manufactured home construction and safety standards in force at the time of manufacture.
 - b. The home is designed for Colorado structural and wind zone requirements.
 - c. The home is designed for Colorado outdoor winter design temperature zones.
 - d. The heating equipment installed in the home has capacity to maintain an average 70° F temperature inside the home with an outdoor temperature of -20° F.

B. Size and Design.

1. Dimensions shall be at least twenty-four (24) feet by thirty-six (36) feet.
2. The exterior shall be of brick, wood, or cosmetically equivalent siding and roof shall be pitched.
3. Prior to delivery to site, manufactured home shall meet, on an equivalent performance engineering basis, unique public safety requirements of the Building Code such as snow load, wind shear and energy conservation factors.

C. Foundation Required. The manufactured home shall be installed on a

foundation meeting the following requirements.

1. **Adequate Foundation for Placement and Anchoring.** The manufactured home shall be installed on a permanent, engineered foundation adequate for placement and anchoring of a manufactured home.
2. **Ground Anchors.** Ground anchors and tie downs shall be placed at least at each corner of the foundation, and able to sustain a minimum tensile strength of 2,800 pounds. Anchoring shall be sufficient to secure the manufactured home against uplift, sliding, rotation and overturning.
3. **Foundation Approval Prior to Delivery of Manufactured Home.** The foundation shall be constructed and approved by the Building Official prior to delivery of the manufactured home to the site.

D. Storage Areas and Buildings.

1. **Area Below Manufactured Home.** The space below each manufactured home shall be kept clean and free from refuse. Such space may be used for storage provided the ground is covered with an impervious material and the area is maintained to prevent harboring of rodents. No flammable materials shall be stored beneath a manufactured home.
2. **Storage Buildings.** Storage buildings shall be designed in a manner which enhances the appearance of the manufactured home and shall be constructed in a professional manner from durable materials. The area occupied by storage buildings shall be included in the calculations that determine if the proposed development complies with limits on impervious surface coverage.
3. **Liquid Propane Tanks.** Liquid propane tanks shall be stored in accordance with the requirements of the applicable Fire District.
4. **Firewood.** Firewood stored outdoors shall not encroach into the setback area between manufactured homes.

E. Manufactured Home Complete with Utility Hook-Ups. The manufactured home shall be complete with sanitary, heating and electrical

Section 7-814 Additional Standards Applicable to Manufactured Home

systems and be ready for occupancy when delivered to the site except for minor assembly.

F. Installation Complete Within 72 Hours. Installation shall be complete, including any minor assembly, and manufactured home ready for occupancy within seventy-two (72) hours of delivery.

G. Skirting. Skirting shall be installed, and shall be provided with doors to permit convenient access to sewer, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable. The inspection panels shall be not less than four square feet in area, and having no less than 18 inches in the least dimension.

Section 7-815 Additional Standards Applicable to Manufactured Home Park.

A. Site Selection Criteria.

- 1. Avoidance of Hazards and Chronic Nuisances.** The manufactured home park shall not be sited in areas subject to flooding, fire or other natural hazards nor shall it be located in proximity to chronic nuisances such as noise, smoke fumes or odors.

B. Park Layout. The layout of manufactured home spaces shall follow variations in natural terrain and preserve unique natural features of the site such as tree stands, water courses, and rock outcrops, to the extent practicable and feasible.

- 1. Flat Sites.** Where sites are flat and with few distinguishing features, curvilinear or clustered patterns of manufactured home spaces are encouraged.
- 2. Open Spaces.** Interspersing open spaces is encouraged.

C. Utilities.

- 1. Utility Hookups.** Each manufactured home space shall be provided with adequate hookups to water, sewage disposal, electric power, telephone, and fuel supplies.
- 2. Utility Lines Underground.** All utility lines, including service lines, shall be underground.

D. Water Supply and Distribution.

1. **Comply with Standards.** The park shall be served by a domestic water supply and distribution system that is in compliance with the requirements of Sections 7-104 and 7-105 of this Article.
2. **Connection.** The water supply system shall be connected by pipes to all manufactured homes, buildings and other facilities requiring water.
3. **Equipment.** All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by CDPHE.
4. **Pressure.** The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) psi nor more than eighty (80) psi, under normal operating conditions at service buildings and other locations requiring potable water supply.
5. **Minimum Horizontal Separation.** A minimum horizontal separation of ten (10) feet shall be maintained between all domestic water lines and sewer lines.
6. **Underground Valves.** Underground stop and waste valves shall not be installed on any water service.
7. **Water-Riser Pipes.** Water-riser pipes shall extend a minimum of four inches above ground elevation unless recessed in a box or sleeve. The pipe shall be a minimum of three-quarter inch. The water outlet shall be capped when a manufactured home does not occupy the lot.
8. **Prevent Freezing.** Adequate provisions shall be made to prevent freezing of main service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
9. **Shutoff Valve.** A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot.

E. Wastewater System.

1. **Comply with Standards.** The manufactured home park shall be served by an adequate wastewater treatment system that is in compliance with the requirements of Section 7-105 of this Article.
2. **Sewer Lines.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten feet from all domestic water lines. Sewer lines shall be at a grade that will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or local laws and shall meet CDPHE design criteria.
3. **Wastewater Treatment and/or Discharge.** Where the sewer lines of the park are not connected to a public wastewater treatment system, all proposed wastewater treatment facilities shall be approved by CDPHE prior to construction. Effluents from wastewater treatment facilities shall not be discharged into any waters of the state, except with prior approval of CDPHE.
4. **Sewer Riser Pipe.** Each manufactured home stand shall be provided with a minimum four inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home system outlet will approximate a vertical position.
 - a. **Minimum Dimensions.** The sewer connection shall have a nominal inside diameter of a minimum of three inches and the slope of any portion thereof shall be a minimum of one-eighth inch per foot. The sewer connection shall consist of one pipe line only, with no more than one stand served by one individual sewer connection. Underground branch fittings of four inch lines shall not be allowed. All joints shall be watertight.
 - b. **Materials.** All materials used for sewer connections shall be rigid or semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
 - c. **Plugging.** Provisions shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the

lot. The rim of the riser pipe shall extend a minimum of four inches above ground elevation, unless such riser pipe is protected within a recessed box or sleeve.

F. Electrical Distribution and Communication Wiring.

1. **Distribution System.** The manufactured home park shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances thereto, which shall be installed and maintained in accordance with state and County regulations. Telephone and cable TV systems may be installed and maintained.
2. **Approval by Utility.** All plans for the above services shall have the approval of the responsible utility prior to County approval of mobile home park plans.

G. Foundation and Anchors.

1. **Adequate Foundation for Placement and Anchoring.** Each manufactured home space shall be improved to include a permanent, engineered foundation adequate for the placement and anchoring of a manufactured home.
 - a. **Ground Anchors.** Each space shall be provided with ground anchors and tie downs placed at least at each corner of the foundation, and able to sustain a minimum tensile strength of 2,800 pounds. Anchoring shall be sufficient to secure the manufactured home against uplift, sliding, rotation and overturning.
2. **Foundation Approval Prior to Delivery of Manufactured Home.** The foundation shall be constructed and approved by the [Building Official] prior to delivery of the manufactured home to the site.

H. Landscaping.

1. **Maintenance.**
 - a. In manufactured home parks where lots are offered for sale, the applicant shall be responsible for landscaping of the front yard after roads, parking areas and pads for manufactured homes have been constructed, and for maintenance of

Section 7-815 Additional Standards Applicable to Manufactured Home Park

landscaping for one year or until a manufactured home is purchased or installed by individual owners, whichever is longer.

- b. In manufactured home parks where title to the land is retained by the applicant or operator of the manufactured home park, the applicant or operator shall be responsible for installation and maintenance of landscaping in the park in accordance with the County approved landscaping plan.

- 2. **Landscaping for Screening.** Additional landscaping may be required to provide screening or buffering and to soften the visual appearance of a manufactured home park.

I. **Outdoor Storage.** Outdoor storage in manufactured home parks shall comply with the requirements set forth in Section 7-822 of these Regulations.

J. **Certification of Manufactured Homes.** All manufactured homes placed in or relocated to a manufactured home park after adoption of this Code shall meet the certification requirements set forth in Section 7-814 A of these Regulations.

K. **Fire Protection.** Fire protection requirements shall be in accordance with National Fire Protection Association Standards and requirements of the applicable fire district.

L. **Maintenance of Individual Spaces.** Manufactured Home Park residents shall be responsible for keeping their individual spaces free from debris and refuse, and shall keep landscaping trimmed, mowed and in thriving condition.

M. **Pet Control.** Pet animals shall be confined within the unit space of the animal's owner or within designated areas of the Manufactured Home Park. Animals shall be restricted to household pets only.

N. **Refuse Handling.** The storage, collection and disposal of refuse in a Manufactured Home Park shall be so arranged as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at either a municipal or County designated landfill site, at a minimum once per week.

O. **Pest Control.** Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of

Section 7-816 Additional Standards Applicable to Mining and Extraction Uses

the County and CDPHE.

P. Supervision. The duly authorized attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

Section 7-816 Additional Standards Applicable to Mining and Extraction Uses.

A. Roads.

- 1. Impact Mitigation.** The mining operator or owner shall bear the proportionate cost of all road and bridge improvements, repairs, and maintenance necessitated by the proposed mining operation.
- 2. Vehicle Weight.** The weight of trucks shall not exceed federal, state or local government imposed road or bridge weight capacity on approved haulage routes.
- 3. Seasonal Traffic Limitation.** As a condition of approval, the County may impose limits on the number of trucks that may access the mine to avoid damage to roads caused by heavy vehicle use, weather conditions or water saturation.

B. Routing. Designation of construction and haul routes for a specific mining operation application shall comply with the following standards:

- 1. Avoidance of Developed Areas.** Truck haulage and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities and already congested locations. Alternative routes shall be identified.
- 2. Timing of Hauling.** Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.
- 3. Load Control.** Applicant shall prevent loss of loads and fugitive dust emissions during transit, and shall be responsible to ensure that haul routes are maintained in accordance with dust-

Section 7-816 Additional Standards Applicable to Mining and Extraction Uses

suppressant methods required by applicable state or federal agency.

C. Wildlife. Mining operations shall not be located in significant wildlife habitat areas as identified by the Colorado Division of Wildlife.

D. Emergency Preparedness. The site operator shall notify the County Sheriff's Department of any emergency situation within one hour of its occurrence and provide a written report on the occurrence within one day of its inception.

Section 7-817 Additional Standards Applicable to Park, Open Space or Greenbelt.

A. Basic Requirements. Unless otherwise provided in these Regulations, open space and greenbelt areas shall not be considered synonymous with required yard areas or lands that are unusable or undevelopable.

1. Open Space may include:
 - a. Areas within the community designated for the common use of the residents of an individual development and/or the community at large.
 - b. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas.
 - c. Areas impacted by subsidence.
 - d. Areas designated for agricultural preservation.
 - e. Areas of archeological and historic significance.
2. Open Space shall not include:
 - a. Required setback areas around oil and gas production facilities;
 - b. Private yards;
 - c. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open

Section 7-817 Additional Standards Applicable to Park, Open Space or Greenbelt

space areas and within commercial/industrial projects.

B. Designation. Land dedicated or reserved as a park, open space or greenbelt shall be designated as such on the plat or other document recorded to formalize the project approval.

C. Ownership. Documentation of ownership and responsibility for maintenance shall be recorded with the plat or other document recorded to formalize the project approval.

Section 7-818 Additional Standards Applicable to Public Utilities. The following standards shall apply to public utilities.

A. Underground Location. Where utilities are installed underground, they shall be located in the right of way at a depth of at least twenty-four (24) inches.

B. Restoration. Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to the company's installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel. Trench shall be left open until the County inspects installation.

C. Safety. Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.

D. Roadway crossing. When the installation exceeds three inches in diameter and crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed by boring or jacking beneath the road surface.

E. Cuts. Open cuts across a roadway will be allowed, subject to conditions imposed by the County, only if in the opinion of the County, boring is not possible. Where a cut is allowed, it shall be filled with gravel compacted in 5-inch lifts to a density of ninety-five (95) percent of surrounding soils. Any compaction tests shall be conducted by the County at the expense of the applicant.

Section 7-819 Additional Standards Applicable to Recycling Collection Center.

A. Basic Approval Standards.

Section 7-819 Additional Standards Applicable to Recycling Collection Center

1. Products stored at the site shall be removed at least once a week.
2. The collection center shall be kept in proper repair and the exterior shall have a neat and clean appearance.

C Small Recycling Collection Centers.

1. A small recycling collection center located in a parking lot shall not occupy required parking spaces. The collection center shall be located so as to not impede traffic flow.
2. A small recycling collection center shall not include power driven processing equipment.
3. Automated can recycling machines shall be limited to three (3) per site.

Section 7-820 Additional Standards Applicable to Riding Stable.

A. Activity On-Site. All riding activity shall be on-site.

1. Riding activities may be off-site on other private property, on a public right-of-way, or property subject to public land management by written permission or agreement.

B. Indoor Arenas. Indoor arenas shall comply with requirements of this Code and the Building Code.

Section 7-821 Additional Standards Applicable to Shooting Range.

A. Design by NRA Standards. The shooting range shall be designed by a NRA Range Technical Team, in accordance with standards established in the NRA document entitled "The Range Manual."

1. The Board may require modifications to address public safety concerns and to ensure adequate safety measures, based upon public input received during the application review and approval process.

B. On-Site Sanitary Facilities Required. The shooting range shall have on-site sanitary facilities that are acceptable to the [County Health Department].

C. Alcoholic Beverages Prohibited. Alcoholic beverages shall be prohibited on-site.

Section 7-822 Additional Standards Applicable to Storage Areas and Facilities.

A. Storage of Hazardous Materials. Flammable or explosive solids or gases shall be stored according to the manufacturer's standards and shall comply with the national, state and local fire codes and written recommendations from the appropriate local fire protection district.

B. Materials and Wastes Contained on Property. No materials or wastes shall be deposited on the property in a form or manner that may be transferred off the property by any reasonably foreseeable natural cause or force.

C. Outdoor Storage Enclosed or Concealed. Outdoor storage facilities shall be enclosed or have adequate provisions to conceal these facilities from adjacent property.

D. Use and Storage of Heavy Equipment.

1. Loading and unloading activity shall be conducted on private property and not on any public row.
2. Repair and maintenance activity requiring use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building, or outdoors during the hours of 8am to 6pm Monday through Friday.
3. Storage area is not located any closer than 300 ft from an existing residential dwelling.
4. Equipment storage will be enclosed in area with screening at least 8 feet in height and obscured from view at the same elevation or lower.
5. A minimum lot size of 5 acres that are not a platted subdivision shall be required.
6. The storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.

Section 7-823 Additional Standards Applicable to Telecommunications Facilities

A. Shared Facilities. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own shall be utilized unless it can be demonstrated to the satisfaction of the Board of County Commissioners that shared use/co-location is not feasible or practical.

B. New Towers and Facilities. No new transmission tower or facility shall be allowed unless the applicant demonstrates to the satisfaction of the County that no existing tower, structure or utility facility can be used by the applicant. To gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:

1. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements; or
2. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment; or
3. The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing transmission towers, facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible; or
4. No owner of existing towers, structures or utility structures, within a distance that meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon.

C. Structural and Engineering Standards. The applicant shall submit evidence concerning structural and engineering standards prepared by a qualified professional engineer licensed by the State of Colorado. The safety of the property and the neighborhood shall be protected.

D. Interference. Every transmission tower and telecommunication facility

shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

E. Health Standards. Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

F. Public Utility Structures. Transmission towers or telecommunication facilities mounted on existing structures of public utilities that have a franchise or other written permission from the County and use concealed transmission towers and telecommunication facilities are allowed in all non-residential zoning districts, unless otherwise specified by this Code. The County may approve the placement, extension or replacement of a transmission tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same; the County may waive public notice and other submittal requirement if the Director believes that the public interest will not be harmed by such a waiver.

G. Design, Materials and Color. Transmission towers and telecommunication facilities shall be designed and maintained to minimize visual impact; carry gravity and wind loads required by law; and shall use concealment or stealth methods, such as camouflaging transmission towers to look like light poles or trees. At a minimum, the transmission towers and facilities shall meet the following design standards:

1. Architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape.
2. Located on existing vertical infrastructure such as utility poles and public building or utility structures.
3. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.
4. Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building unless expressly approved by the County.
5. Located in areas where the existing topography, vegetation,

buildings or other structures provide screening.

H. Landscaping and Screening. The property on which a telecommunication facility or tower is located shall be landscaped and screened, in accordance with the following standards:

1. A free-standing transmission tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the County.
2. A freestanding transmission tower or telecommunication facility shall be surrounded by a six (6) foot high wall or fence or other suitable buffer yard. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

I. Lighting and Signage. Only lighting required by a federal agency is allowed. Only signage that is required by state or federal law is allowed. No advertising shall be allowed.

J. Exterior Transmission Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s). Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.

K. Modification or Demolition. Any transmission tower or telecommunications facility being modified, demolished or rebuilt shall be in compliance with the standards adopted in this Code.

L. Maintenance. Every owner of a transmission tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

M. Review. Each new tower or facility shall be subject to a two (2)-year review by the [Administrator/Director]. The review will determine whether or not the originally approved number of antenna and design are still appropriate and

necessary to provide adequate communications services.

N. Abandonment. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities which are not in use for any six (6)-month period, within three (3) months of the end of such six (6) month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. The Board of County Commissioners shall only determine abandonment after the owner has had notice and an opportunity to be heard.

O. Federal Aviation Agency (“FAA”) Form. The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:

1. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.
2. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this Code.
3. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.
4. Any antennae used for Federal Communications Commission (FCC) licensees engaged in AM, FM or television broadcasting.

P. Telecommunications Act. All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration (FAA).

**DIVISION 9 REVIEW CRITERIA FOR APPEAL OF ADMINISTRATIVE
INTERPRETATION, REZONING, REQUEST FOR
VARIANCE, REQUEST TO ADD USES TO ZONE
DISTRICT REGULATIONS, FINAL PLAT APPROVAL AND
EXEMPTION PLAT APPROVAL**

**Section 7-901 Review Criteria for Appeal of Administrative
Interpretation.**

Section 7-901 Review Criteria for Appeal of Administrative Interpretation

- A. Public Purpose.** The effect of the interpretation on the intent of this Code and the purposes for which the regulatory provision was adopted.
- B. Technical Meaning.** The technical meaning of the regulatory provision.
- C. Previous Interpretations.** Evidence as to the past interpretation of the regulatory provision.

Section 7-902 Review Criteria for Rezoning Request. Unless otherwise provided in these Regulations, the following criteria shall apply to rezoning requests.

- A. No Spot Zoning.** The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning.
- B. Change in Area.** The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.
- C. Demonstrated Community Need.** The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing.
- D. Original Zone Designation Incorrect.** The proposed rezoning addresses errors in the original zone district map.
- E. Compliance with Comprehensive Plan and Intergovernmental Agreements.** The proposed rezoning is in compliance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

Section 7-903 Review Criteria for Request for Variance. The following standards shall be satisfied for approval of a request for variance from specific regulatory provisions of this Code.

- A. Special Circumstances or Conditions Exist.** One or more of the following circumstances or conditions exists with respect to the specific property:
 - 1. Exceptional narrowness, shallowness or shape of the property at the time of the enactment of the regulation in question.
 - 2. Exceptional topographic conditions of the property.

3. Other extraordinary and exceptional situation or condition of the property.

B. Not a Result of the Actions of Applicant. The special circumstances and conditions have not resulted from any act of the applicant.

C. Strict Application Results in Hardship to Owner. Because of the special circumstances and conditions determined pursuant to Section 7-903 A, strict application of the regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on, the owner of the property.

D. Variance is Necessary for Relief. The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional practical difficulties or exceptional and undue hardship.

E. Variance Not Detrimental to the Public Good. Granting the variance will not cause substantial detriment to the public good.

F. Variance Will Not Impair the County's Zoning Plans. Granting the variance will not substantially impair the intent and purpose of this Land Use Code.

Section 7-904 Review Criteria for Request to Add Use(s) to Zone District Regulations. The Board may add to the uses listed for a zoning district established by this Code, based upon the following findings.

A. Use Does Not Increase Hazards. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses allowed in the zone district to which it would be added.

B. Use Does Not Increase Nuisance. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses allowed the zone district to which it would be added.

C. Use is Compatible. The proposed use is compatible with the uses allowed the zone district to which it would be added.

Section 7-905 Review Criteria for Final Plat Approval, Minor Subdivision

Section 7-905 Review Criteria for Final Plat Approval, Minor Subdivision

A. Adequacy of Final Plat and Supporting Materials. The final plat meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

B. Liens and Encumbrances. The final plat does not include a lien, conveyance, or encumbrance to the property dividing a lot.

C. Taxes. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

Section 7-906 Review Criteria for Final Plat Approval.

A. Compliance with Preliminary Plan Approval. The final plat complies with all conditions of preliminary plan approval.

B. Adequacy of Final Plat and Supporting Materials. The final plat meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

C. Liens and Encumbrances. The final plat does not include a lien, conveyance, or encumbrance to the property dividing a lot.

D. Taxes. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

Section 7-907 Review Criteria for Exemption Plat Approval.

A. Suitability of Plat for Recordation. The exemption plat is drawn in accordance with the requirements of these Regulations and is suitable for recordation.

B. Adequacy of Supporting Materials. The exemption plat meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

C. Liens and Encumbrances. The exemption plat does not include a lien, conveyance, or encumbrance to the property dividing a lot.

D. Taxes. All taxes applicable to the land have been paid.